

# BULKY DOCUMENTS

(exceeds 300 pages)

**Proceeding/Serial No:** 91128615

**Filed:** 8-31-06

**Title:** Notice of filing the Certified  
Transcript of the Testimony Deposition  
of Elizabeth C. West  
And Accompanying Exhibits

**Part** 1 **of** 1

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

151 Meeting Street / Sixth Floor / Charleston, South Carolina 29401-2239

Tel: 843.853.5200 Fax: 843.722.8700

[www.nelsonmullins.com](http://www.nelsonmullins.com)

# TTAB

John C. McElwaine

843.720.4302

[john.mcelwaine@nelsonmullins.com](mailto:john.mcelwaine@nelsonmullins.com)

August 29, 2006

Commissioner for Trademarks  
Attn: Trademark Trial & Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

08-31-2006

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #11

RE: University of Southern California v. University of South Carolina  
Opposition No. 91125615  
Our File No. 13524/01501

Dear Commissioner:

Please find enclosed for filing the following documents:

- 1) Notice of Filing the Certified Transcript of the Testimony Deposition of Elizabeth C. West and Accompanying Exhibits;
- 2) Certified Transcript of the Testimony Deposition of Elizabeth C. West and Accompanying Exhibits;
- 3) Notice of Filing the Certified Transcript of the Testimony Deposition of C. "Kit" Walsh and Accompanying Exhibits [Confidential - Filed Under Seal];
- 4) Certified Transcript of the Testimony Deposition of C. "Kit" Walsh and Accompanying Exhibits [Confidential - Filed Under Seal];
- 5) Notice of Filing the Certified Transcript of the Testimony Deposition of C. "Kit" Walsh and Accompanying Exhibits [Version with Confidential Portions Redacted];
- 6) Certified Transcript of the Testimony Deposition of C. "Kit" Walsh and Accompanying Exhibits [Version with Confidential Portions Redacted];
- 7) Notice of Filing the Certified Transcript of the Testimony Deposition of Kenneth M. Corbett and Accompanying Exhibits [Confidential - Filed Under Seal];
- 8) Certified Transcript of the Testimony Deposition of Kenneth M. Corbett and Accompanying Exhibits [Confidential - Filed Under Seal];

Attn: Trademark Trial & Appeal Board  
August 29, 2006  
Page 2

9) Notice of Filing the Certified Transcript of the Testimony Deposition of Kenneth M. Corbett and Accompanying Exhibits [Version with Confidential Portions Redacted];  
and

10) Certified Transcript of the Testimony Deposition of Kenneth M. Corbett and Accompanying Exhibits [Version with Confidential Portions Redacted].

By copy of this letter we are serving opposing counsel with these documents.

Thank you for your assistance in this matter.

Very truly yours,



John C. McElwaine

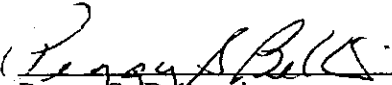
Enclosure

cc: Michael S. Adler, Esquire (w/encl.)

Attn: Trademark Trial & Appeal Board  
August 29, 2006  
Page 3

**CERTIFICATE OF MAILING**

I certify that the foregoing documents regarding Opposition No. 91125615 are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on August 29, 2006.

  
Peggy S. Belbusti

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California	)	Opposition No. 91125615
	)	
Opposer,	)	Serial No. 75/358,031
	)	
vs.	)	Mark: SC (Stylized)
	)	
University of South Carolina,	)	Filed: September 16, 1997
	)	
Applicant.	)	Published: May 18, 1999

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08-31-2006

U.S. Patent & TMO/TM Mail Rpt Dt #11

**NOTICE OF FILING THE CERTIFIED TRANSCRIPT  
OF THE TESTIMONY DEPOSITION  
OF ELIZABETH C. WEST  
AND ACCOMPANYING EXHIBITS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:


PLEASE TAKE NOTICE that, under CFR § 2.123(f) and TBMP 703.01(k), Applicant the University of South Carolina is hereby filing with the Board the certified transcript of the testimony deposition of Elizabeth C. West dated March 2, 2006, along with the accompanying exhibits and corrections.

[SPACE INTENTIONALLY LEFT BLANK]

Copies of said transcript and corrections to the same were previously served on counsel for Applicant.

Dated: August 29, 2006

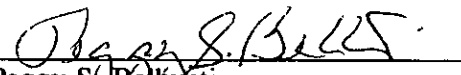
NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By:   
John C. McElwaine  
Federal Bar No. 6710  
Matthew D. Patterson  
Federal Bar No. 7788  
Liberty Building, Suite 600  
151 Meeting Street  
Post Office Box 1806 (29402)  
Charleston, SC 29401  
(843) 853-5200

Attorneys for University of South Carolina

**CERTIFICATE OF MAILING**

I certify that the foregoing NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF ELIZABETH C. WEST AND ACCOMPANYING EXHIBITS regarding Opposition No. 91125615 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on August 29, 2006.

  
Peggy S. Belbusti

1       IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2       BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3       UNIVERSITY OF SOUTHERN    )Opposition No. 125,615  
4       CALIFORNIA,                )  
5                                  )Serial No. 75/358,031  
6                                  )Mark: SC (Stylized)  
7       vs.                        )  
8                                  )Filed: September 16, 1997  
9       UNIVERSITY OF SOUTH       )  
10       CAROLINA,                )Published: May 18, 1999  
11                                 )  
12                                 )Applicant.        )  
13  
14  
15

16       Confidential Deposition of ELIZABETH C. WEST,  
17       taken on behalf of the Applicant, at the law  
18       offices of Nelson, Mullins, Riley & Scarborough,  
19       1320 Main Street, 17th Floor, Columbia, South  
20       Carolina, on the 2nd day of March, 2006, commencing  
21       at 10:20 a.m., before Terri L. Brusseau, Notary  
22       Public and Registered Professional Reporter, CP,  
23       CRR.

24       Computer-Aided Transcription By:

25       A. WILLIAM ROBERTS, JR., & ASSOCIATES

26       Charleston, SC	Greenville, SC
27       (843) 722-8414	(864) 234-7030
28                       Myrtle Beach, SC	
29                       (843) 839-3376	
30       Columbia, SC	Charlotte, NC
31       (803) 731-5224	(704) 573-3919

## ELIZABETH C. WEST

1 LOCATION:Law Offices of  
2 Nelson, Mullins, Riley &  
3 Scarborough, LLP  
4 1320 Main Street, 17th Floor  
5 Columbia, SC

## 6 APPEARANCES OF COUNSEL:

## 7 ATTORNEYS FOR THE OPPOSER

## 8 UNIVERSITY OF SOUTHERN CALIFORNIA:

9 GIBSON, DUNN &amp; CRUTCHER, LLP

10 BY: MICHAEL S. ADLER

11 333 South Grand Avenue

12 Los Angeles, CA 90071-3197

13 (213) 229-7919

14 madler@gibsondunn.com

## 15 ATTORNEYS FOR THE APPLICANT

## 16 UNIVERSITY OF SOUTH CAROLINA:

17 NELSON, MULLINS, RILEY &amp;

18 SCARBOROUGH, LLP

19 BY: JOHN C. McELWAIN

20 151 Meeting Street, Suite 600

21 Charleston, SC 29401

22 (843) 853-5200

23 john.mcelwaine@nelsonmullins.com

24

25 and

ELIZABETH C. WEST

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25

NELSON, MULLINS, RILEY &  
SCARBOROUGH, LLP  
BY: MATTHEW D. PATTERSON  
1320 Main Street, 17th Floor  
Columbia, SC 29201  
(803) 799-2000

(INDEX AT REAR OF TRANSCRIPT)

## ELIZABETH C. WEST

1 ELIZABETH C. WEST

2 being first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. PATTERSON:

5 Q. Will you state your full name for the  
6 record.

7 MR. PATTERSON: Oh, go off the record  
8 for just one minute.

9 (Off-the-record conference.)

10 BY MR. PATTERSON:

11 Q. Will you state your full name for the  
12 record.

13 A. Elizabeth Cassidy West.

14 Q. All right, Miss West. What is your  
15 current occupation?

16 A. I am the university archivist at the  
17 University of South Carolina.

18 Q. And what does that job entail?

19 A. The university archivist is in charge  
20 of acquiring and caring for and making accessible  
21 the university's historical records.

22 Q. How long have you had that job?

23 A. I have been the university archivist  
24 since 2001.

25 Q. What did you do before 2001?

## ELIZABETH C. WEST

1           A.    I was the assistant archivist at the  
2   University of South Carolina archives beginning in  
3   1995.

4           Q.    What did that job entail?

5           A.    Basically it was assisting the  
6   university archivist in -- in caring for the  
7   historical records.

8           Q.    When was the State of South Carolina  
9   founded?

10          A.    The colony was split -- colony of  
11   Carolina was split into North and South Carolina in  
12   1710 and then officially became a state with the  
13   ratification of the constitution in 1788.

14          Q.    Are you aware in the state's history of  
15   the state ever using letters to refer to itself?

16          A.    South Carolina commonly uses the  
17   letters SC to refer to itself.

18          Q.    Do you know when that began?

19          A.    I would imagine -- based on  
20   documentation that I've seen, that would have begun  
21   when the states -- when the colonies split into  
22   South Carolina and North Carolina.

23          Q.    Can you give any specific examples of  
24   the use of the letters SC in the state's history?

25               MR. ADLER:  Objection, hearsay;

## ELIZABETH C. WEST

1 objection, best evidence.

2 BY MR. PATTERSON:

3 Q. You can go ahead and answer.

4 A. There are artifacts and documents in  
5 the various repositories in the states, including  
6 military uniforms from the Revolutionary War, Civil  
7 War and beyond and things like belt buckles, breast  
8 plates, insignias.

9 Q. Okay. When was the University of South  
10 Carolina founded?

11 A. It was founded in 1801.

12 Q. Has it always been referred to as the  
13 University of South Carolina?

14 A. No, it was originally named the South  
15 Carolina College.

16 Q. Why did the name change?

17 A. The South Carolina College was  
18 generally considered a liberal arts curriculum and  
19 when the curriculum expanded to include more  
20 professional schools, that was considered a change  
21 to a university-type curriculum so the name was  
22 changed to the University of South Carolina.

23 Q. Okay. Has the university used the  
24 letters SC to refer to itself?

25 A. Yes.

## ELIZABETH C. WEST

1 MR. ADLER: Objection, lack of  
2 foundation; objection, best evidence; objection,  
3 hearsay.

4 BY MR. PATTERSON:

5 Q. If you know, identify any letters the  
6 university has used to refer to itself.

7 MR. ADLER: Same objections.

8 THE WITNESS: The university has used  
9 SC.

10 BY MR. PATTERSON:

11 Q. Okay. Do you know when that began?

12 A. Generally from its founding.

13 MR. ADLER: Same objections,  
14 particularly lack of foundation, best evidence,  
15 hearsay.

16 BY MR. PATTERSON:

17 Q. What is the freshman rat hat?

18 A. Freshman rat hat was a beanie that all  
19 university freshmen were required to wear during  
20 their freshman year and it specifically was to  
21 identify them as freshman at the University of  
22 South Carolina.

23 MR. ADLER: Same objections.

24 BY MR. PATTERSON:

25 Q. Did that -- strike that.

## ELIZABETH C. WEST

1 Describe any markings on the freshman  
2 rat hat.

3 A. The --

4 MR. ADLER: Objection, lack of  
5 foundation.

6 THE WITNESS: The rat hat or beanie  
7 generally had an SC on it.

8 BY MR. PATTERSON:

9 Q. I'm going to hand you some exhibits,  
10 Miss West, and ask you to identify them for me.

11 (Off-the-record conference.)

12 (APPLICANT'S EXH. 14, S.C.C. Freshman  
13 Class Examination, was marked for identification.)

14 MR. PATTERSON: Back on the record.

15 BY MR. PATTERSON:

16 Q. Miss West, you've just been handed  
17 what's been marked as Applicant's Exhibit 14.  
18 Identify that document for me, please.

19 A. This is an examination from a history  
20 course taught by Professor Lieber at South Carolina  
21 College.

22 Q. Where is the original of this document  
23 kept?

24 A. It is in the university archives.

25 Q. Which is located where?

## ELIZABETH C. WEST

1           A.    In the South Caroliniana Library at the  
2   University of South Carolina.

3           Q.    And are you in control of the archives  
4   in your job?

5           A.    Yes.

6           Q.    Do you see the letters SC used in this  
7   document?

8           A.    Yes.

9           MR. ADLER:  Objection, document speaks  
10   for itself and objection as to characterizing the  
11   document.

12   BY MR. PATTERSON:

13           Q.    Describe what you see there in terms of  
14   the uses of the letters SC.

15           MR. ADLER:  Same objections.

16           THE WITNESS:  The letters SCC are used  
17   at the top of the exam to identify it as an exam  
18   for South Carolina College.

19   BY MR. PATTERSON:

20           Q.    Hand you the next exhibit.

21           MR. PATTERSON:  Actually, before I do  
22   that, I'd move to enter Applicant's Exhibit 14 into  
23   evidence.

24           MR. ADLER:  I believe that this is  
25   subject to a stipulation between the parties and

## ELIZABETH C. WEST

1 certainly reserve any objections that are preserved  
2 in that stipulation, but otherwise no objections.

3 MR. PATTERSON: And I think all -- just  
4 for the record, all of these exhibits are part of  
5 the stipulation between parties.

6 MR. ADLER: I will stipulate in advance  
7 that these are all the -- same --

8 MR. PATTERSON: Same reservation of  
9 objection for all the exhibits.

10 MR. ADLER: Same reservation of  
11 objections for all the exhibits, but otherwise no  
12 objections.

13 (APPLICANT'S EXH. 15, Clariosophic and  
14 Euphradian Societies invitation, with attachments,  
15 was marked for identification.)

16 BY MR. PATTERSON:

17 Q. Miss West, you've just been handed  
18 Applicant's Exhibit 15. Will you go through each  
19 one of these documents one by one and identify what  
20 each document is, please.

21 A. The first one is an invitation issued  
22 by the Clariosophic and Euphradian Societies for a  
23 commencement celebration in 1883. The second one  
24 is another commencement celebration invitation by  
25 the same societies for 1884. And the third one is

## ELIZABETH C. WEST

1 again a commencement celebration invitation by the  
2 societies issued in 1885. The next is a two-part  
3 document that is a cover for a invitation by the  
4 societies in 1897 to their joint contest, which was  
5 a debating contest. And the last one is another  
6 invitation by the societies, this one from 1891,  
7 and it is to the annual joint contest.

8 Q. Going back to the first document, what  
9 are the Clariosophic and Euphradian Societies?

10 A. The Clariosophic and Euphradian  
11 Literary Societies were what today we would call  
12 debating societies and they were the two student  
13 organizations at South Carolina College.

14 Q. Would these have been sanctioned by the  
15 university?

16 A. Yes.

17 Q. Would these invitations have been sent  
18 to third parties?

19 A. Yes.

20 Q. Go through each document again and tell  
21 me if you see the letters SC used on the document.

22 MR. ADLER: Objection, documents speak  
23 for themselves.

24 THE WITNESS: The first one from 1883  
25 has SC used to identify the college and also the

## ELIZABETH C. WEST

1 State of South Carolina. 1884 has SC in two places  
2 to identify the college and again the state. 1885  
3 also uses SC to identify the college and the state.  
4 The two-piece invitation has SC on the cover and  
5 has SC on the cover of the invitation. And 1891  
6 invitation also uses the letters SC.

7 MR. ADLER: Can we go off the record a  
8 second?

9 MR. PATTERSON: Sure.

10 (Off-the-record conference.)

11 MR. PATTERSON: I'd like to move  
12 Applicant's 15 into evidence.

13 MR. ADLER: Subject to the same  
14 reservations and stipulation, otherwise no  
15 objections.

16 MR. PATTERSON: Okay.

17 (APPLICANT'S EXH. 16, Football team  
18 photographs, was marked for identification.)

19 BY MR. PATTERSON:

20 Q. Miss West, you've just been handed  
21 what's been marked as Applicant's Exhibit 16.  
22 Would you identify these two documents for me.

23 A. This is the same image of the 1898  
24 football team. One is from -- it's a published  
25 image in the Garnet & Black yearbook and the other

## ELIZABETH C. WEST

1 is actually the original photo.

2 Q. Where are the originals of these  
3 documents kept?

4 A. They are in the university archives.

5 Q. And describe for me if you will the  
6 uses of SC in these pictures.

7 MR. ADLER: Objection, documents speak  
8 for themselves.

9 THE WITNESS: SC is used on the jerseys  
10 of the football team.

11 MR. PATTERSON: I'd like to move  
12 Applicant's Exhibit 16 into evidence.

13 MR. ADLER: And I believe these are  
14 subject to stipulation and reserving objections  
15 preserved in the stipulation, otherwise no  
16 objections.

17 (APPLICANT'S EXH. 17, Football team  
18 photograph, was marked for identification.)

19 BY MR. PATTERSON:

20 Q. All right, Miss West, you've just been  
21 handed Applicant's Exhibit 17. Could you identify  
22 this picture for me.

23 A. This is an image of the 1902 football  
24 team published in the Garnet & Black yearbook.

25 Q. Okay. Where would the original of this

## ELIZABETH C. WEST

1 document be kept?

2 A. In the university archives.

3 Q. Describe the uses of the letters SC in  
4 this picture.

5 MR. ADLER: Objection, document speaks  
6 for itself.

7 THE WITNESS: The letters SC are used  
8 on the football jerseys.

9 MR. PATTERSON: I'd like to move  
10 Applicant's Exhibit 17 into evidence.

11 MR. ADLER: Again, subject to the  
12 objections preserved, no other objections.

13 (APPLICANT'S EXH. 18, 1924 The Garnet  
14 and Black yearbook cover, with attachment, was  
15 marked for identification.)

16 BY MR. PATTERSON:

17 Q. Miss West, you've just been handed  
18 what's been marked as Applicant's Exhibit 18.  
19 Identify that, please.

20 (Off-the-record conference.)

21 MR. PATTERSON: Back on the record.

22 BY MR. PATTERSON:

23 Q. Miss West, you've just been handed  
24 what's been marked as Applicant's Exhibit 18.  
25 Identify this document for me, please.

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1           A.    These are pages from the 1924 Garnet &  
2   Black yearbook.

3           Q.    Where would the original Garnet & Black  
4   yearbook be kept?

5           A.    In the university archives.

6           Q.    Describe for me uses of the letters SC  
7   in these pictures.

8           MR. ADLER:  Objection, document speaks  
9   for itself.

10           THE WITNESS:  S -- the letters SC are  
11   on the -- the uniforms of the basketball team.

12   BY MR. PATTERSON:

13           Q.    Where are they on the uniforms?

14           A.    On the jerseys.

15           MR. PATTERSON:  Move Applicant's  
16   Exhibit 18 into evidence.

17           MR. ADLER:  Again, subject to the  
18   objections preserved in the stipulation, no other  
19   objections.

20                    (Off-the-record conference.)

21                    (APPLICANT'S EXH. 19, 1949 Garnet and  
22   Black yearbook cover, with attachment, was marked  
23   for identification.)

24           MR. PATTERSON:  Back on the record.

25   BY MR. PATTERSON:

## ELIZABETH C. WEST

1           Q.   Miss West, you've just been handed  
2   Applicant's Exhibit 19.  Identify these documents  
3   for me, please.

4           A.   These are pages from the 1949 Garnet &  
5   Black yearbook.

6           Q.   And where is the original copy of the  
7   1949 Garnet & Black yearbook kept?

8           A.   In the university archives.

9           Q.   Describe for me any uses of the letters  
10   SC in these pictures.

11           MR. ADLER:  Objection, document speaks  
12   for itself.

13           THE WITNESS:  The letters SC are used  
14   on a track team jersey.

15   BY MR. PATTERSON:

16           Q.   Where exactly are they being used?

17           A.   On the shirt in the front.

18           MR. PATTERSON:  Move Applicant's  
19   Exhibit 19 into evidence.

20           MR. ADLER:  Again, subject to the  
21   observations preserved in the stipulation, no other  
22   objections.

23                   (APPLICANT'S EXH. 20, 1961 Football  
24   Squad photograph, was marked for identification.)

25   BY MR. PATTERSON:

## ELIZABETH C. WEST

1           Q.   Miss West, you've just been handed  
2   Applicant's Exhibit 20. Can you identify this  
3   document for me, please.

4           A.   This is a photograph of the 1961  
5   football team.

6           Q.   Do you know where the original of this  
7   document would be kept?

8           A.   In the university archives.

9           Q.   Describe for me any use of the letters  
10   SC in this picture.

11           MR. ADLER: Objection, document speaks  
12   for itself.

13           THE WITNESS: The letters SC are on one  
14   of the coach's shirts in the corner of the  
15   photograph.

16   BY MR. PATTERSON:

17           Q.   For purposes of clarity, which corner  
18   is it in?

19           A.   In the lower right corner.

20           MR. PATTERSON: Move Applicant's  
21   Exhibit 20 into evidence.

22           MR. ADLER: Again, subject to  
23   objections preserved in the stipulation, no other  
24   objections.

25           (APPLICANT'S EXH. 21, 1973 Garnet and

## ELIZABETH C. WEST

1 Black photographs, was marked for identification.)

2 BY MR. PATTERSON:

3 Q. Miss West, you've just been handed  
4 Applicant's Exhibit 21. Identify these documents  
5 for me, please.

6 A. These are pages from the 1973 Garnet &  
7 Black yearbook.

8 Q. Where is the original of the 1973  
9 Garnet & Black yearbook kept?

10 A. In the university archives.

11 Q. Describe for me uses of the letters SC  
12 in these pictures.

13 MR. ADLER: Objection, document speaks  
14 for itself.

15 THE WITNESS: The letters SC are used  
16 on the jersey of a baseball team member.

17 MR. PATTERSON: Move Applicant's  
18 Exhibit 21 into evidence, please.

19 MR. ADLER: Again, subject to the  
20 objections preserved in the stipulation, no other  
21 objections.

22 (APPLICANT'S EXH. 22, 1992 Garnet &  
23 Black photographs, was marked for identification.)

24 BY MR. PATTERSON:

25 Q. Miss West, you've just been handed

## ELIZABETH C. WEST

1 Applicant's Exhibit 22. Identify this document for  
2 me.

3 A. These are pages from the 1992 Garnet &  
4 Black yearbook.

5 Q. Where is the original copy of the 1992  
6 Garnet & Black yearbook kept?

7 A. In the university archives.

8 Q. Describe for me any uses of the letters  
9 SC in these pictures.

10 MR. ADLER: Objection, document speaks  
11 for itself.

12 THE WITNESS: The letters are used on  
13 the baseball caps of the baseball team.

14 MR. PATTERSON: Move Applicant's 22  
15 into evidence.

16 MR. ADLER: Again, subject to  
17 objections preserved in the stipulation, no other  
18 objections.

19 (Off-the-record conference.)

20 BY MR. PATTERSON:

21 Q. A couple more questions. What did you  
22 do to educate yourself in the archives on the use  
23 of the letters SC by the State of South Carolina?

24 A. I went through the records that the  
25 university archives has, images and the documents.

## ELIZABETH C. WEST

1           Q.    Do you know how much time you spent to  
2   educate yourself on the use of the letters SC by  
3   the State of South Carolina?

4           A.    By the State of South Carolina? Five,  
5   six hours.

6           Q.    Can you give me an idea of documents  
7   you reviewed to educate yourself on uses of the  
8   letters SC by the State?

9           A.    I reviewed some official correspondence  
10   and publications at the South Carolina Department  
11   of Archives and History, which is the state  
12   archives.

13          Q.    What did you do to educate yourself on  
14   the use of the letters SC by the university?

15          A.    Reviewed the documents and images we  
16   had on the university history.

17          Q.    Can you describe what documents and  
18   images you looked at.

19          A.    I looked at yearbook photos, yearbook  
20   publications, original photographs and  
21   correspondence and other publications or printed  
22   materials by the university.

23          Q.    And again, how many hours would you  
24   estimate you spent --

25               MR. ADLER: Objection, vague and --

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1 BY MR. PATTERSON:

2 Q. -- reviewing this --

3 MR. ADLER: -- vague and ambiguous.

4 Reviewing which piece of it?

5 MR. PATTERSON: Well, I wasn't finished  
6 with my question.

7 MR. ADLER: Oh, sorry.

8 MR. PATTERSON: That's okay.

9 BY MR. PATTERSON:

10 Q. How much time would you estimate you  
11 spent reviewing the documents and the images and  
12 familiarizing yourself with the use of the letters  
13 SC by the university?

14 A. I would estimate, oh, 12, 15 hours.

15 Q. One thing I neglected to do is ask you  
16 about your educational background. Tell me about  
17 the degrees that you have.

18 A. I have a Bachelor of Arts in  
19 journalism.

20 Q. And where did you receive that from?

21 A. From the University of South Carolina.

22 Q. Okay.

23 A. And I have a Master of library and  
24 information science.

25 Q. Where is that from?

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1           A.    From the University of South Carolina.

2   And I have a Master of Arts in history also from  
3   the University of South Carolina.

4           Q.    Okay.  Describe the continuity of the  
5   use of the letters SC by the university.

6           MR. ADLER:  Objection to the extent it  
7   calls for expert testimony; objection, best  
8   evidence; objection, hearsay.

9           THE WITNESS:  The institution has used  
10   the letters SC to represent itself since its  
11   establishment because it was a -- the official  
12   university and official college of the State of  
13   South Carolina and is a state agency.

14   BY MR. PATTERSON:

15           Q.    Has that use continued up until today?

16           MR. ADLER:  Same objections.

17           THE WITNESS:  Yes.

18           BY MR. PATTERSON:  I'm done.  Over to  
19   you.

20           MR. ADLER:  Let's go off the record.

21           (Off-the-record conference.)

22           (OPPOSER'S EXH. 314, Excerpt from  
23   Remembering The Days, An Illustrated History of the  
24   University of South Carolina, was marked for  
25   identification.)

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## 1 CROSS-EXAMINATION

2 BY MR. ADLER:

3 Q. Good morning, Miss West.

4 A. Good morning.

5 Q. Directing your attention to the exhibit  
6 labeled Opposer's 314 that has been placed in front  
7 of you. Do you recognize this exhibit?

8 A. Yes.

9 Q. And what is this exhibit?

10 A. This is a publication called  
11 Remembering the Days, An Illustrated History of the  
12 University of South Carolina.13 Q. And turning to the second page, do you  
14 recognize the plaque that's depicted in the  
15 photograph on that page?

16 A. Yes.

17 Q. And what is that plaque?

18 A. This plaque is one of two plaques that  
19 gives a very brief history of the college.20 Q. And in terms of its history of the name  
21 of the institution, is it in your experience an  
22 accurate description of the history of the name of  
23 the institution?

24 A. Yes.

25 Q. So it was originally chartered as South

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1 Carolina College in 1801 and then became the  
2 University of South Carolina in 1865, correct?

3 A. Yes.

4 Q. And then it was closed from 1877 to  
5 1880, is that correct?

6 A. Yes.

7 Q. And then from 1880 to 1882, the  
8 institution was known as the College of  
9 Agricultural and Mechanical Arts?

10 A. Yes.

11 Q. And from 1882 to 1887, it was South  
12 Carolina College?

13 A. Yes.

14 Q. And from 1887 to 1890, it was  
15 University of South Carolina?

16 A. Yes.

17 Q. And from 1890 to -- it's difficult to  
18 read here, but I believe that should be 1905 it was  
19 South Carolina College again?

20 A. Yes.

21 Q. And then it became University of South  
22 Carolina again in 1906, correct?

23 A. Correct.

24 MR. ADLER: Move to admit Opposer's  
25 Exhibit 314.

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1 MR. PATTERSON: No objection.

2 BY MR. ADLER:

3 Q. You mentioned the rat hat. Based on  
4 what you know from -- well, let me ask you, have  
5 you ever had any personal experience with the rat  
6 hat in terms of anybody wearing the rat hat in your  
7 personal experience?

8 A. No.

9 Q. So what you know about the rat hat  
10 comes from what you've read as the university  
11 archivist?

12 A. Yes.

13 Q. Am I correct that there are two periods  
14 in which the rat hat was worn? The record will  
15 reflect that the witness looks confused so counsel  
16 will try to ask a better question.

17 During your deposition several months  
18 ago, we discussed a period in best of my  
19 recollection around the turn of the century, turn  
20 of -- between the 18th and -- the 18 and 1900s when  
21 the records reflect the rat hat might have been  
22 worn, is that correct?

23 MR. PATTERSON: I'm going to object to  
24 the extent that's not what the testimony said, the  
25 deposition.

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1 BY MR. ADLER:

2 Q. I'm not trying to put words in your  
3 mouth so let me ask you specifically. Is it  
4 correct to say that there was a period around the  
5 turn of the 20th Century, end of the 1800s,  
6 beginning of the 1900s, when you believe that the  
7 records reflect that the rat hat was worn?

8 A. Yes.

9 Q. And is it correct that there was a  
10 period in the 1950s when you believe the records  
11 reflect that the rat hat was worn?

12 A. Yes.

13 Q. Aside from those two periods, are you  
14 aware through your reading of the records of any  
15 other period when the rat hat was worn?

16 A. The rat hat was worn between the -- all  
17 during that time. It ended in the -- around the  
18 late 1950s, early 1960s so it was a tradition for  
19 the freshmen to wear the hats all during those --  
20 those decades.

21 Q. And what do you base your understanding  
22 of that tradition on?

23 A. We have images of freshmen from the  
24 yearbooks showing them in various activities  
25 wearing the hats and there are also in some

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1 published histories of the university recollections  
2 of students from different periods of wearing the  
3 hats.

4 Q. Do you know who manufactured the rat  
5 hats?

6 A. No, not who manufactured them.

7 Q. Do you know who retailed the rat hats?

8 A. It's my understanding that the hats  
9 were issued to the freshmen and not -- did not have  
10 to be purchased by them.

11 Q. Do you know whether they were sold to  
12 anybody who was not then a student of the  
13 University of South Carolina?

14 A. No. No, they would not have been sold  
15 to anyone who was not a student.

16 Q. Let's look at what was marked as  
17 Applicant's 14. And there the use of SC you  
18 referred to as part of the initials SCC, is that  
19 correct?

20 A. Yes.

21 Q. Turning to Applicant's 15, looking at  
22 the second page of that which is Bates numbered  
23 APP 00772. In the -- I don't know the  
24 architectural term. In the upper part of the image  
25 above the columns there is a roof structure. Do

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1     you know the architectural term for that structure?

2             A.    No, I don't, sorry.

3             Q.    Which bears SC as part of SCC, correct?

4             A.    Yes.

5             Q.    Was that a typical use of the logo for  
6     the institution at that time based on your review  
7     of the records?

8             A.    Yes, it was one of them.

9             Q.    And again, going to now on APP 00774,  
10    which is the cover page, the use of SC there is  
11    part of the SCC logo, is that correct?

12            A.    Yes.

13            Q.    And is that SCC logo consistent with  
14    the usage at the time based on your experience of  
15    the records?

16            A.    The use of the letters or this  
17    particular design?

18            Q.    That particular design.

19            A.    The design -- something similar has  
20    appeared on other documents. There was not this  
21    particular design appearing from year to year.

22            Q.    So, for instance, on the last page of  
23    this exhibit, which is 776, there's a different SCC  
24    design?

25            A.    Yes.

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1           Q.    Your experience is that the design sort  
2   of was not a single fixed design but was a variety  
3   of SCC designs?

4           A.    Yes.

5           MR. ADLER:  Let's go off the record for  
6   a second.

7                   (Off-the-record conference.)

8                   (OPPOSER'S EXH. 315, University of  
9   South Carolina Alma Mater, was marked for  
10  identification.)

11  BY MR. ADLER:

12           Q.    Do you recognize the document that's  
13  been identified as Exhibit 315?

14           A.    Yes.

15           Q.    And is that the alma mater of the  
16  University of South Carolina?

17           A.    Yes.

18           Q.    And has that been the alma mater  
19  since -- well, do you know how long it's been the  
20  alma mater of the University of South Carolina?

21           A.    It was written as part of a contest in  
22  1911 and was adopted around 1911.

23           MR. ADLER:  Move to admit this.

24           MR. PATTERSON:  Yeah, that's fine.

25           MR. McELWAIN:  This has not been

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1 produced, right, Counsel?

2 MR. ADLER: I don't think that's Bates  
3 numbered. Do you want to object we didn't produce  
4 your alma mater to you?

5 MR. McELWAIN: No, I'm just thinking.

6 MR. ADLER: Take as much time as you  
7 need.

8 MR. McELWAIN: That's fine.

9 MR. ADLER: Or as much time until the  
10 copies come.

11 (A recess transpired.)

12 (OPPOSER'S EXH. 316, 1907 The Garnet  
13 and Black yearbook cover, with attachments, was  
14 marked for identification.)

15 (OPPOSER'S EXH. 317, 1908 The Garnet  
16 and Black yearbook cover, with attachments, was  
17 marked for identification.)

18 (OPPOSER'S EXH. 318, 1909 The Garnet  
19 and Black yearbook, with attachments, was marked  
20 for identification.)

21 (OPPOSER'S EXH. 319, 1910 The Garnet  
22 and Black yearbook cover, with attachments, was  
23 marked for identification.)

24 (OPPOSER'S EXH. 320, 1911 The Garnet  
25 and Black yearbook cover, with attachments, was

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1 marked for identification.)

2 (OPPOSER'S EXH. 321, 1912 The Garnet  
3 and Black yearbook cover, with attachments, was  
4 marked for identification.)

5 (OPPOSER'S EXH. 322, 1913 The Garnet  
6 and Black yearbook cover, with attachments, was  
7 marked for identification.)

8 (OPPOSER'S EXH. 323, 1914-15 The Garnet  
9 and Black yearbook cover, with attachments, was  
10 marked for identification.)

11 (OPPOSER'S EXH. 324, 1916 The Garnet  
12 and Black yearbook cover, with attachments, was  
13 marked for identification.)

14 (OPPOSER'S EXH. 325, 1917 Garnet and  
15 Black yearbook cover, with attachments, was marked  
16 for identification.)

17 MR. ADLER: Back on the record.

18 BY MR. ADLER:

19 Q. Going back to Exhibits Applicant's 16  
20 and Applicant's 17.

21 A. Okay.

22 Q. The football team in those two exhibits  
23 appears to be wearing an SC on their jersey,  
24 correct?

25 A. Yes.

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1           Q.    Do you know whether the University of  
2   South Carolina sold replicas of the jerseys to  
3   third parties?

4           A.    I don't know.

5           Q.    In 19 -- sorry, in 1898 and 1902 the  
6   name of the institution was South Carolina College  
7   at that point, correct?

8           A.    Yes.

9           Q.    Can you turn to the exhibit that's been  
10   identified as 316. Do you recognize this exhibit?

11          A.    Yes.

12          Q.    What is this exhibit?

13          A.    These are pages from the 1907 Garnet &  
14   Black yearbook.

15          Q.    And is that Garnet & Black yearbook  
16   maintained in the university archives?

17          A.    Yes.

18          Q.    And if you will turn to the page that's  
19   been Bates labeled as Applicant 02596. Is that the  
20   photo of the football team in 1907?

21          A.    Yes.

22          Q.    And by 1907 the name of the school had  
23   been changed to the University of South Carolina,  
24   correct?

25          A.    Yes.

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1           Q.    The document will speak for itself, but  
2    let me draw your attention to the individual in the  
3    bottom to the left that looks like he's wearing a  
4    dollar sign on his chest.  Do you recognize -- do  
5    you see that individual?

6           A.    Yes.

7           Q.    Is that a logo for the University of  
8    South Carolina?

9           A.    Yes.

10          Q.    With the U and the S and the C?

11          A.    Yes.

12          Q.    And if you will turn to the page that's  
13    been marked Applicant 02602.  Is that a photograph  
14    of the baseball team in 1907?

15          A.    Yes.

16               MR. ADLER:  Move to admit this exhibit.

17               MR. PATTERSON:  No objection.

18   BY MR. ADLER:

19          Q.    If you will turn to the exhibit that's  
20    been marked 317.  What is this exhibit?

21          A.    These are pages from the Garnet & Black  
22    yearbook from 1908.

23          Q.    If you turn to the second page, the  
24    description of athletics refers to the school as  
25    Carolina as well as -- well, strike that -- refers

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1 to the school basically as Carolina. Do you see  
2 that?

3 A. Yes.

4 Q. In your experience, is that a customary  
5 way of referring to the University of South  
6 Carolina?

7 A. It's one of them.

8 Q. If you will turn to the page that's  
9 02614 and 02615, I guess. Are those pictures of  
10 the University of South Carolina football jerseys  
11 as they existed in 1908?

12 A. Yes.

13 Q. And if you'd turn to 02622. Is that a  
14 photograph of the University of South Carolina  
15 baseball jersey as it existed in 1908?

16 A. I believe this is actually the  
17 Lettermen's Club --

18 Q. Okay. Look --

19 A. -- because there is a football and the  
20 baseball bats on the page.

21 Q. I see. And when a student at the  
22 University of South Carolina is a letterman, what  
23 letter do they receive?

24 A. The block C.

25 Q. So if you turn to the prior page then,

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1 02621, there's an individual in the bottom row  
2 three from the left with a white jersey with a C on  
3 it. Is that the University of South Carolina  
4 baseball jersey?

5 A. Yes.

6 MR. ADLER: Move to admit Exhibit 317.

7 MR. PATTERSON: No objection.

8 BY MR. ADLER:

9 Q. Turning to Exhibit 318. Do you  
10 recognize this exhibit?

11 A. These are pages from the 1909 Garnet &  
12 Black yearbook.

13 Q. And again, if you turn to the  
14 description of the year in athletics, the school is  
15 described as Carolina, is that correct?

16 A. Yes.

17 Q. Is Carolina -- would you characterize  
18 Carolina as an athletic nickname for the University  
19 of South Carolina?

20 MR. PATTERSON: Objection, vague,  
21 ambiguous.

22 THE WITNESS: Not exclusively  
23 athletics.

24 BY MR. ADLER:

25 Q. If you turn to Page 02629, is that a

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1 picture of the University of South Carolina  
2 football jerseys as it existed in 1909?

3 A. Yes.

4 Q. And again, at that point the name of  
5 the school was University of South Carolina?

6 A. Yes.

7 MR. ADLER: I move to admit Exhibit  
8 318.

9 MR. PATTERSON: No objection.

10 BY MR. ADLER:

11 Q. Will you please turn to Exhibit 319.

12 If you look at Page 0 -- well, step back.

13 What is Exhibit 319?

14 A. These are pages from the 1910 Garnet &  
15 Black yearbook.

16 Q. And if you turn to page marked  
17 Applicant 02638, are those photographs of the  
18 University of South Carolina football jerseys as  
19 they existed in 1910?

20 A. Yes.

21 Q. On the last page of this exhibit there  
22 is a discussion of the C Men's Club. What was the  
23 C Men's Club?

24 A. That was the Lettermen's Club.

25 Q. And again, it was for those who've

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1 shown athletic distinction for the university?

2 A. Yes.

3 Q. And they received a block C?

4 A. Yes.

5 MR. ADLER: Move to admit Exhibit 319.

6 MR. PATTERSON: No objection.

7 BY MR. ADLER:

8 Q. Exhibit 320, if you could take a look  
9 at that. Do you recognize Exhibit 320?

10 A. These are pages from the 1911 Garnet &  
11 Black yearbook.

12 Q. And if you turn to 02642, are those  
13 photographs of the University of South Carolina  
14 football jerseys as it existed in 1911?

15 A. Yes.

16 Q. And if you look at the next page, which  
17 is Applicant 02643, is that a gamecock that's  
18 reflected there?

19 A. That is a cartoon of a gamecock.

20 Q. Which is the athletic mascot of the  
21 University of South Carolina, correct?

22 A. Yes.

23 Q. And is the gamecock wearing a baseball  
24 uniform as it would have existed at the University  
25 of South Carolina in 1911?

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1           A.    Yes.

2                   MR. ADLER:  Move to admit Exhibit 320.

3                   MR. PATTERSON:  No objection.  Sorry, I  
4  didn't hear you.

5  BY MR. ADLER:

6           Q.    If you can look at Exhibit 321.  What  
7  is this?

8           A.    These are pages from the 1912 Garnet &  
9  Black yearbook.

10          Q.    And if you would look at the pages from  
11  Applicant 02646 to 02649.  Are those depictions of  
12  the University of South Carolina football jersey as  
13  they existed in 1912?

14          A.    Yes.

15          Q.    And if you look at Page 02650, is that  
16  the University of South Carolina baseball cap as it  
17  existed in 1912, do you know?

18          A.    It looks -- it appears to be.

19          Q.    Do you have any reason based on your  
20  review of the documents to believe that that was  
21  not the baseball cap?

22          A.    Well, I just am not sure if he's  
23  baseball team or football team or someone else with  
24  a cap on so I'm not...

25          Q.    I've marked the next exhibit as Exhibit

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1       322. If you would take a look at that. What is  
2       that?

3               A. These are pages from the 1913 Garnet &  
4       Black yearbook.

5               Q. And if you turn to 02656, is that the  
6       University of South Carolina football team?

7               A. Yes.

8               MR. ADLER: Move to admit Exhibit 322.

9               MR. PATTERSON: No objection.

10       BY MR. ADLER:

11              Q. I've marked the next exhibit as  
12       Opposer's Number 323. Do you recognize this  
13       document?

14              A. These are pages from the 1915 Garnet &  
15       Black yearbook.

16              Q. On the second page of this exhibit  
17       there's a song, Carolina's Day. Do you recognize  
18       that song?

19              A. Yes.

20              Q. Is that the fight song of the  
21       University of South Carolina, one of the fight  
22       songs of the University of South Carolina?

23              A. It's one that has -- that was used at  
24       the time.

25              Q. If you turn to Pages Applicant 02664

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1 through 02670. Are those depictions of the  
2 University of South Carolina baseball jersey as  
3 they existed in 1914 to 1915? Did I say baseball  
4 jersey?

5 MR. PATTERSON: Yes.

6 BY MR. ADLER:

7 Q. So let me strike that question.

8 Are those depictions of the University  
9 of South Carolina football jersey as it existed in  
10 1914 to 1915?

11 A. Yes.

12 Q. I've marked the next exhibit as  
13 Opposer's 324. What is this exhibit?

14 A. These are pages from the 1916 Garnet &  
15 Black yearbook.

16 Q. And if you turn to Page 02677, is this  
17 a depiction of the football jersey for the  
18 University of South Carolina that existed in 1916?

19 A. Yes.

20 MR. ADLER: Move to admit 324.

21 MR. PATTERSON: No objection.

22 BY MR. ADLER:

23 Q. I've marked the next exhibit 325. Do  
24 you recognize this document?

25 A. These are pages from the 1917 Garnet &

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1 Black yearbook.

2 Q. And if you look at Pages 02693 to  
3 02697, does that reflect the baseball uniform as  
4 worn by the University of South Carolina in 1917?

5 A. No. There's -- this is the 1919 pages  
6 now.

7 MR. PATTERSON: I think two are  
8 combined together.

9 THE WITNESS: There are two -- there  
10 are two combined together.

11 MR. ADLER: Oh, they're two separate --  
12 they're together. Oh, I'm sorry. Let's separate  
13 that out as a separate exhibit then. Go off the  
14 record for a moment.

15 (Off-the-record conference.)

16 (OPPOSER'S EXH. 326, 1919 The Garnet  
17 and Black yearbook cover, with attachments, was  
18 marked for identification.)

19 MR. ADLER: All right, going back on  
20 the record.

21 BY MR. ADLER:

22 Q. Looking at what's been marked as 325,  
23 which is just the 1917 yearbook. Do the images on  
24 Applicant 02685 through 02690 reflect the  
25 University of South Carolina baseball jersey from

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1 1917?

2 A. Yes.

3 Q. I'm marking the next exhibit as Exhibit  
4 326.

5 MR. ADLER: Move to admit Exhibit 325.

6 MR. PATTERSON: No objection.

7 BY MR. ADLER:

8 Q. What is Exhibit 326?

9 A. Pages from the 1919 Garnet & Black  
10 yearbook.

11 Q. And do the pages from 02693 through  
12 02697 reflect the baseball uniform of the  
13 University of South Carolina in 1919?

14 A. Yes.

15 MR. ADLER: Move to admit Exhibit 326.

16 MR. PATTERSON: No objection.

17 BY MR. ADLER:

18 Q. In general in your review of the  
19 yearbooks, there were some years when teams did not  
20 use any insignia on their jerseys, is that correct?

21 MR. PATTERSON: Objection, vague.

22 THE WITNESS: Yes.

23 BY MR. ADLER:

24 Q. For example, there were periods where  
25 the University of South Carolina football team did

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1 not have any insignia on its jersey, correct?

2 A. Yes.

3 Q. In going through the yearbooks from  
4 1904 to 1920, can you as you sit here recall a  
5 specific instance -- let me rephrase that.

6 From 1906 when the University of South  
7 Carolina changed its name from South Carolina  
8 College to the University of South Carolina, from  
9 1906 to 1920 can you identify a specific instance  
10 where a University of South Carolina team was  
11 wearing an SC that wasn't part of a USC?

12 A. I would have to -- I can't recall.

13 Q. Okay. From 1930 to 1949, as you sit  
14 here having reviewed the documents -- and  
15 recognizing that there are documents in the record  
16 to which we will stipulate according to our  
17 previous agreement, but just as you sit here today,  
18 can you recall a use of the letters SC by a  
19 University of South Carolina team between, let's  
20 say, 1931 and 1948?

21 A. I can't really testify as to any  
22 particular symbol or particular years.

23 Q. So the answer to that is no?

24 A. No.

25 Q. From 1974 to 1991 as you sit here

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1     today, can you recall a use of the letters SC by  
2     the University of South Carolina that wasn't part  
3     of a USC logo?

4             A.     No.

5             Q.     Finally, from, let's say, the founding  
6     of the institution and any of its iterations all  
7     the way back to 1801 through, let's say, 1976, are  
8     you aware of any evidence that the University of  
9     South Carolina was merchandising clothing that had  
10    an SC logo on it?

11            A.     No, I'm not aware of one.

12            MR. ADLER: I have no further questions  
13    at this point.

14            MR. PATTERSON: Off the record.

15            (A recess transpired.)

16            REDIRECT EXAMINATION

17    BY MR. PATTERSON:

18            Q.     Miss West, will you look at Applicant's  
19    Exhibit 18.

20            MR. PATTERSON: Off the record.

21            (Off-the-record conference.)

22            MR. PATTERSON: Back on the record.

23    BY MR. PATTERSON:

24            Q.     Identify these documents for me one  
25    more time, please.

## ELIZABETH C. WEST

1           A.    These are pages from the 1924 Garnet &  
2   Black yearbook.

3           Q.    What was the name of the university at  
4   that time?

5           A.    The University of South Carolina.

6           Q.    Are the letters SC being used in these  
7   pictures that you can see?

8           A.    Yes.

9           Q.    How were they being used?

10           MR. ADLER:  Objection, document speaks  
11   for itself.

12           THE WITNESS:  They are -- the letters  
13   SC are on the jerseys of the basketball team.

14   BY MR. PATTERSON:

15           Q.    Mr. Adler asked you a number of  
16   questions about the name change of the university  
17   as reflected in Exhibit 314, Opposer's Exhibit 314.  
18   At the time of the name changes documented at that  
19   time and based on your knowledge, did the location  
20   of the university ever change?

21           A.    No.

22           Q.    Do you know if the same Board of  
23   Trustees continued to meet?

24           A.    Yes.

25           Q.    Did any students change when the names

## ELIZABETH C. WEST

1 changed?

2 A. No.

3 Q. Did the faculty change when the name  
4 changed?

5 A. Not wholesale, no.

6 Q. In fact, the institution essentially  
7 remained the same institution?

8 A. Yes.

9 Q. Throughout the name changes, did the  
10 university continue to use the letters SC?

11 A. Yes.

12 MR. ADLER: Objection, calls for  
13 speculation; objection, best evidence; objection to  
14 the extent it calls for expert testimony;  
15 objection, hearsay.

16 BY MR. PATTERSON:

17 Q. Mr. Adler also handed you a collection  
18 of exhibits, many of which were from the Garnet &  
19 Black yearbooks. Were those complete copies of the  
20 yearbooks that he --

21 A. No.

22 Q. -- that he handed you?

23 A. No.

24 Q. Did the exhibits that he handed you  
25 contain pictures of every single sports team that

## ELIZABETH C. WEST

1 the university had at those times?

2 A. No.

3 Q. And in fact were there even pictures  
4 taken of every single sports team at that time?

5 A. No.

6 Q. Mr. Adler also asked you about some  
7 time periods that I just want to revisit briefly,  
8 the first of which is 1906 to 1920. I think he  
9 asked if you could point to any specific examples  
10 or evidence of use of the letters SC during that  
11 time frame.

12 Apart from whether you can point to  
13 specific evidence, do you believe the university  
14 continued to use the letters SC from 1906 to 1920?

15 MR. ADLER: Objection, calls for  
16 speculation; objection, hearsay; objection, calls  
17 for expert opinion; objection, lack of foundation.

18 THE WITNESS: Yes.

19 BY MR. PATTERSON:

20 Q. Why do you believe that?

21 MR. ADLER: Same objections.

22 THE WITNESS: The consistency among the  
23 name changes was the use of South Carolina in the  
24 name and as an agency of the State of South  
25 Carolina, it was closely identified with the

## ELIZABETH C. WEST

1 university's identity.

2 BY MR. PATTERSON:

3 Q. And he also asked you about a period of  
4 time from 1930 to 1949. Do you believe that the  
5 university continued to use the letters SC from  
6 1930 to 1949?

7 MR. ADLER: Objection to the extent it  
8 calls for expert testimony; objection, best  
9 evidence; objection, hearsay.

10 THE WITNESS: Yes.

11 BY MR. PATTERSON:

12 Q. Why do you believe that?

13 MR. ADLER: Same objections.

14 THE WITNESS: Similar reason as before,  
15 the university -- the consistency with the use of  
16 South Carolina in the university or the college's  
17 name. And based on my knowledge of other documents  
18 and images in the university, there is a variety  
19 of -- of emblems that the teams and other units of  
20 the university have used.

21 BY MR. PATTERSON:

22 Q. So it's not just limited to athletic  
23 teams?

24 A. No.

25 Q. And again, from 1974 to I believe 1991,

## ELIZABETH C. WEST

1 he asked you the same question, do you believe that  
2 from that -- that during that time period, the  
3 university continued to use the letters SC?

4 MR. ADLER: Objection to the extent it  
5 calls for hearsay; objection to the extent it calls  
6 for expert testimony; objection, best evidence.

7 THE WITNESS: Yes.

8 MR. ADLER: Objection, lack of  
9 foundation.

10 BY MR. PATTERSON:

11 Q. And why do you believe that?

12 A. Again, the -- the consistency of the  
13 use of South Carolina in the name of the  
14 institution and the use of a variety of different  
15 emblems were designed by different units in the  
16 university.

17 Q. In fact, the yearbook is not  
18 necessarily a complete record of every use of every  
19 mark the university has ever had, is that right?

20 MR. ADLER: Objection, leading.

21 THE WITNESS: Correct.

22 BY MR. PATTERSON:

23 Q. Is that correct?

24 A. Correct.

25 Q. And for each of these time periods

## ELIZABETH C. WEST

1     where you've just espoused your belief, what is  
2     that belief based on?

3                 MR. ADLER:  Objection, asked and  
4     answered.  Same objections, foundation, best  
5     evidence, hearsay.

6                 THE WITNESS:  That's based on my  
7     experience as the university archivist and the  
8     research that I've done for patrons into the  
9     university's records.

10                MR. PATTERSON:  Nothing else for me.

11                MR. ADLER:  Let's mark as Exhibit

12     327 --

13                (OPPOSER'S EXH. 327, Document entitled  
14     University of South Carolina University History,  
15     was marked for identification.)

16                RE CROSS-EXAMINATION

17     BY MR. ADLER:

18                Q.    If you'd take a moment to review this.  
19     Do you recognize this document?

20                A.    Yes.  This is a brief history of the  
21     university that appears on the university's Web  
22     site.

23                Q.    And based on your knowledge of the  
24     history of the University of South Carolina, is it  
25     an accurate description of the history of the

## ELIZABETH C. WEST

1 University of South Carolina?

2 A. Yes.

3 MR. ADLER: Move to admit 327.

4 BY MR. PATTERSON: I think we would  
5 object to hearsay and foundation based on the fact  
6 we haven't seen the document before she's being  
7 questioned on it in trial.

8 MR. ADLER: The TTAB does not require  
9 the production of every document. I don't believe  
10 this was responsive to any document request and  
11 it's a printout from your client's official Web  
12 site. Retain your objections?

13 BY MR. PATTERSON: Yeah, we're making  
14 our objections.

15 MR. ADLER: I'm going to have to ask  
16 the witness about specific facts in here to make  
17 sure they're consistent with her understanding.

18 BY MR. ADLER:

19 Q. According to this document, the school  
20 was closed basically during the Civil War, is that  
21 correct?

22 A. Yes.

23 Q. After the Civil War, it was opened  
24 under the reconstruction government and under that  
25 government, it enrolled black students, correct?

## ELIZABETH C. WEST

1           A.    Yes.

2           Q.    And then at the end of reconstruction  
3    in 1877, it said South Carolina's conservative  
4    leaders closed the university, is that correct?

5           A.    Yes.

6           Q.    And when they reopened it three years  
7    later in 1880, it was at that point an all-white  
8    agricultural college, correct?

9           A.    Yes.

10          Q.    And, in fact, based on the exhibit we  
11   looked at earlier, when they reopened it in 1880 as  
12   an all-white agricultural college, it was called  
13   the College of Agricultural -- Agriculture and  
14   Mechanical Arts, is that correct?

15          A.    Yes, that -- that is the abbreviated  
16   version of -- the official name was the South  
17   Carolina College of Agricultural and Mechanical  
18   Arts.

19          Q.    And in the late 1890s, approximately  
20   what was the enrollment of the University of South  
21   Carolina?

22                   BY MR. PATTERSON:  Objection,  
23   relevance.

24           BY MR. ADLER:

25          Q.    If you know.

## ELIZABETH C. WEST

1           A.    I don't know.

2           Q.    Would it be greater than 500 students?

3                   BY MR. PATTERSON:  Objection, lack of  
4   foundation and relevance.

5                   THE WITNESS:  I don't know.

6   BY MR. ADLER:

7           Q.    Turning to the exhibits beginning with  
8   316 through 326, which are excerpts from the Garnet  
9   & Black yearbooks.  You have the entire copies of  
10   these yearbooks in your possession, custody and  
11   control, correct?

12          A.    Yes.

13          Q.    And if there were other pages in these  
14   yearbooks that you wanted to provide to the board,  
15   you could do so, correct?

16          A.    Yes.

17          Q.    Finally, over my repeated objections,  
18   you testified as to your belief about certain  
19   periods of time and you testified that that was  
20   based on what you had learned in your job as  
21   university archivist, correct?

22          A.    Yes.

23          Q.    The documents that you learned from as  
24   university archivist are still in the university  
25   archives, correct?

## ELIZABETH C. WEST

1           A.    Yes.

2                   MR. ADLER:  No further questions.

3                   FURTHER REDIRECT EXAMINATION

4   BY MR. PATTERSON:

5           Q.    I just have one or two questions about  
6   this document --

7                   MR. PATTERSON:  What's the exhibit  
8   number for this?

9                   MR. ADLER:  327.

10  BY MR. PATTERSON:

11           Q.    -- 327, Opposer's Exhibit 327.  That  
12   document mentions the closure of the university in  
13   1877.  Do you know if the Board of Trustees  
14   continued to meet between 1877 and 1880?

15           A.    Yes, they did.

16           Q.    And I believe you mentioned that this  
17   paragraph was an abbreviated version of what  
18   happened.  What is the longer explanation of what  
19   happened?

20           A.    For that particular paragraph of  
21   reconstruction?

22           Q.    Or just generally relating to the  
23   closure of the university as is characterized in  
24   this document.

25           A.    When reconstruction ended and Wade

## ELIZABETH C. WEST

1 Hampton and the Democrats came back into political  
2 power, they turned back the advances that the  
3 African-American community had made during  
4 reconstruction and they decided to close the  
5 university in that manner so that there would no  
6 longer be any African-American students or members  
7 of the board or faculty and reopened it to again an  
8 all-white institution and altered the curriculum --  
9 and altered -- and reopened it as an all-white  
10 institution and adjusted the curriculum.

11 MR. PATTERSON: No further questions.

12 MR. ADLER: No further questions.

13 (WHEREUPON, the proceedings concluded  
14 at 12:04 PM.)

15 MR. McELWAIN: This is in the -- a  
16 stipulation on the record for the deposition of  
17 Elizabeth West. The parties have agreed to waive  
18 the requirements of 2.123(f)(1) regarding the  
19 certification filing of the deposition as it  
20 applies to the Court Reporter. As well, the  
21 parties have agreed to waive the requirement of  
22 2.123(e)(5) in which the signature of the -- of the  
23 deposition by a witness needs to be signed in front  
24 of a person authorized to administer oaths.

25 Counsel, you agree to that?

ELIZABETH C. WEST

1                   MR. ADLER:  So stipulated.

2                   (WHEREUPON, the proceedings concluded

3   at 9:57 AM.)

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## ELIZABETH C. WEST

## 1 SIGNATURE OF DEPONENT

2 I, the undersigned, ELIZABETH C. WEST, do  
 3 hereby certify that I have read the foregoing  
 4 deposition and find it to be a true and accurate  
 5 transcription of my testimony, with the following  
 6 corrections, if any:

8	PAGE	LINE	CHANGE	REASON
9	13	1	"page" to "photo"	I was describing an original photograph, not a yellowed page.
10				
11	34	24	"black" to "block"	misspelled
12	37	3	"black" to "block"	misspelled

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*Elizabeth C. West* 4/3/06  
 ELIZABETH C. WEST Date

## ELIZABETH C. WEST

## 1 CERTIFICATE OF REPORTER

2 I, Terri L. Brusseau, Registered  
3 Professional Reporter and Notary Public for the  
4 State of South Carolina at Large, do hereby certify  
5 that the witness in the foregoing deposition was by  
6 me duly sworn to testify to the truth, the whole  
7 truth, and nothing but the truth in the  
8 within-entitled cause;

9 That said deposition was taken on Thursday,  
10 March 2, 2006, at 10:26 AM, at the law offices of  
11 Nelson, Mullins, Riley & Scarborough located at  
12 1320 Main Street, Columbia, South Carolina, wherein  
13 the adverse party was present through counsel, John  
14 C. McElwaine, Esq., of Nelson, Mullins, Riley &  
15 Scarborough, LLP;

16 That the testimony of said witness was  
17 reported by me, having not been disqualified as  
18 specified in Rule 28 of the Federal Rules of Civil  
19 Procedure, and was thereafter transcribed into  
20 typewriting, and the pertinent provisions of the  
21 applicable code or rules of civil procedure  
22 relating to the notification of the witness and  
23 counsel for the parties hereto of the availability  
24 of the original transcript of the deposition for  
25 reading, correcting, and signing have been met.

## ELIZABETH C. WEST

1 I further certify that I am not a relative  
2 or employee of a party, a relative or employee of  
3 an attorney or agent of a party, or interested  
4 directly or indirectly, in the interference either  
5 as counsel, attorney, agent or otherwise.

6 In witness whereof, I have hereunto  
7 subscribed my name this 18th day of March, 2006 at  
8 Charleston, Charleston County, South Carolina.

9

10

11

Terri L. Brusseau

12

Terri L. Brusseau,

13

Registered Professional

14

Reporter, CP, CRR

15

My Commission expires

16

May 7, 2006.

17

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## ELIZABETH C. WEST

## 1 I N D E X

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24	and Black yearbook cover, with	
25	attachment	

## ELIZABETH C. WEST

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9	OPPOSER'S EXH. 314, Excerpt from	21
10	Remembering The Days, An Illustrated	
11	History of the University of South	
12	Carolina	
13	OPPOSER'S EXH. 315, University of South	28
14	Carolina Alma Mater	
15	OPPOSER'S EXH. 316, 1907 The Garnet and	29
16	Black yearbook cover, with attachments	
17	OPPOSER'S EXH. 317, 1908 The Garnet and	29
18	Black yearbook cover, with attachments	
19	OPPOSER'S EXH. 318, 1909 The Garnet and	29
20	Black yearbook, with attachments	
21	OPPOSER'S EXH. 319, 1910 The Garnet and	29
22	Black yearbook cover, with attachments	
23	OPPOSER'S EXH. 320, 1911 The Garnet and	29
24	Black yearbook cover, with attachments	
25		

## ELIZABETH C. WEST

1	OPPOSER'S EXH. 321, 1912 The Garnet and	30
2	Black yearbook cover, with attachments	
3	OPPOSER'S EXH. 322, 1913 The Garnet and	30
4	Black yearbook cover, with attachments	
5	OPPOSER'S EXH. 323, 1914-15 The Garnet	30
6	and Black yearbook cover, with	
7	attachments	
8	OPPOSER'S EXH. 324, 1916 The Garnet and	30
9	Black yearbook cover, with attachments	
10	OPPOSER'S EXH. 325, 1917 Garnet and	30
11	Black yearbook cover, with attachments	
12	OPPOSER'S EXH. 326, 1919 The Garnet and	40
13	Black yearbook cover, with attachments	
14	OPPOSER'S EXH. 327, Document entitled	49
15	University of South Carolina University	
16	History	
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18		
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# APPLICANT'S EXH. 14

S. C. C.  
FRESHMAN CLASS.  
HISTORY. PROF. LIEBER.  
EXAMINATION OF  
ON THE TH JUNE, 1854.

DECLARATION.

*The student will sign the following declaration, after having finished his writing on the historical subjects:*

Previously to coming into the examination-room I have not known what questions were to be proposed, and in preparing my answers I have not been assisted in the room, either by notes, memoranda, books, other students, or in any other way.

N. B.—Add, in parenthesis, the year of each event you mention, or designate, at least the beginning, middle or end of the century in which it occurred. If you cannot write on one or the other subject at all, or cannot answer the question, copy, nevertheless, the corresponding number, in the proper place, and add: *Unable to answer*. Write your full name and that of your class, at the top of each additional sheet which you take.

SUBJECTS.

1. Give the chief battles of the Persian and the Peloponnesian wars, according to (9)  
the schedule on the next page.
2. Epaminondas. (9)
3. The Religion of Zoroaster. (8)
4. Give the Latitude of Athens, and corresponding place in America. (9)
- “ “ “ Jerusalem, “ “ “
- “ “ “ Rome, “ “ “
- “ “ “ Syracuse, “ “ “
- “ “ “ Colchis, “ “ “
- “ “ “ Alexandria, “ “ “
5. The expulsion of Tarquin the Proud, and the establishment of the Consular (9)  
Government.

N. B.—If you do not feel sure about a certain latitude, put a query in parenthesis thus, 42° (?)

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina  
Applicant's Ex. 14

# APPLICANT'S EXH. 15



CLAROSOPHC  
 V. E. DAVIES  
 M. L. HARRELL.

**EUPHRADIAN**

PRESIDENT ORATOR  
 W. L. BASS. J. C. BUCHANAN.

**MARSHALS**  
 J. T. RODDEY, CHIEF.

CLAROSOPHC EUPHRADIAN  
 ED. G. SEIBELS. J. B. WALLONER.  
 W. O. NISBET. W. D. DOUGLASS.  
 JAS. HAMILTON. D. W. WILSON.

**Agricultural Hall.**

E. A. WRIGHT, PHILA.

Opposition No. 91125615  
 Univ. Southern California v.  
 Univ. South Carolina

Opposition No. 125,615  
 Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 15

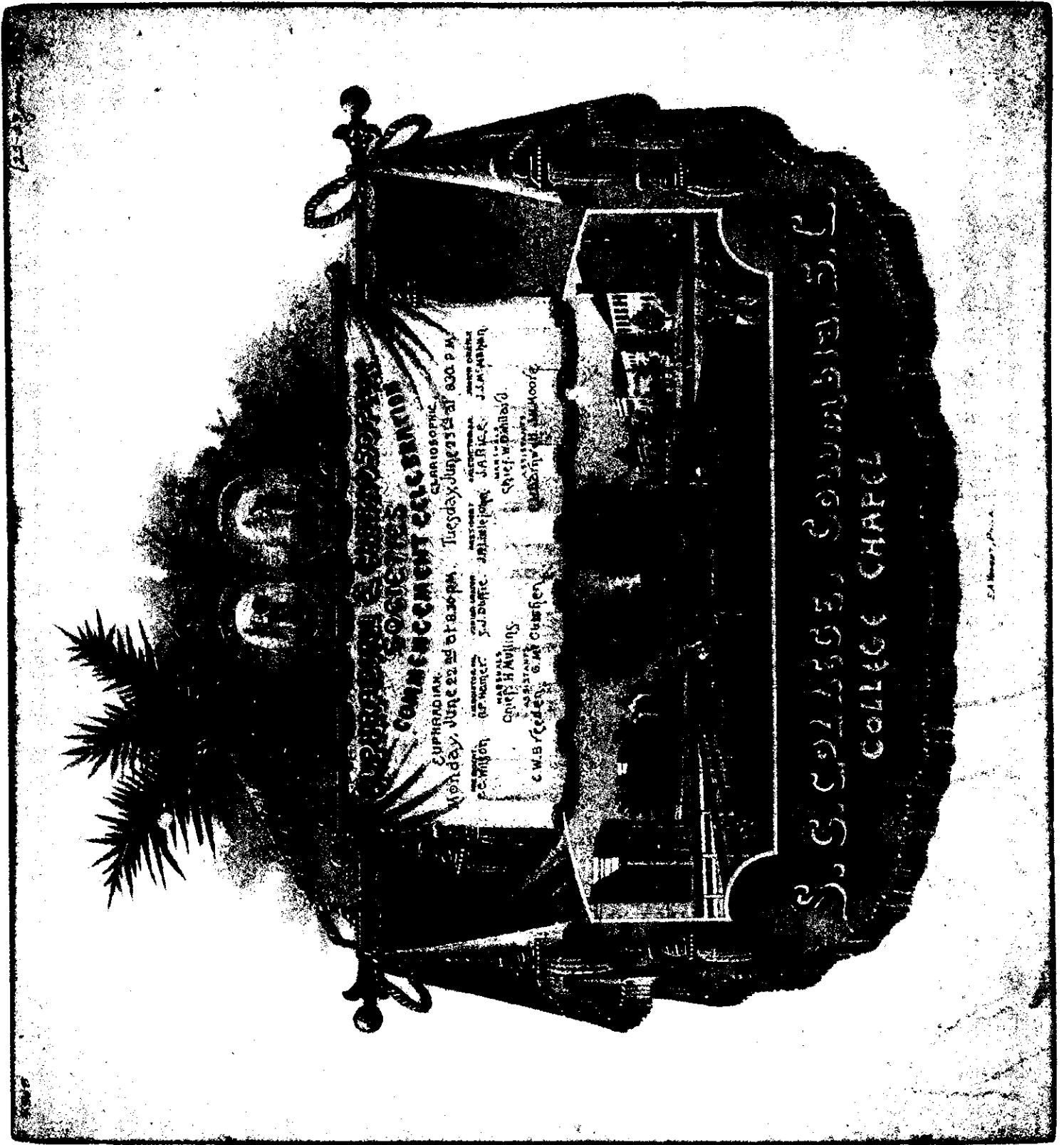
(23 June 1914)



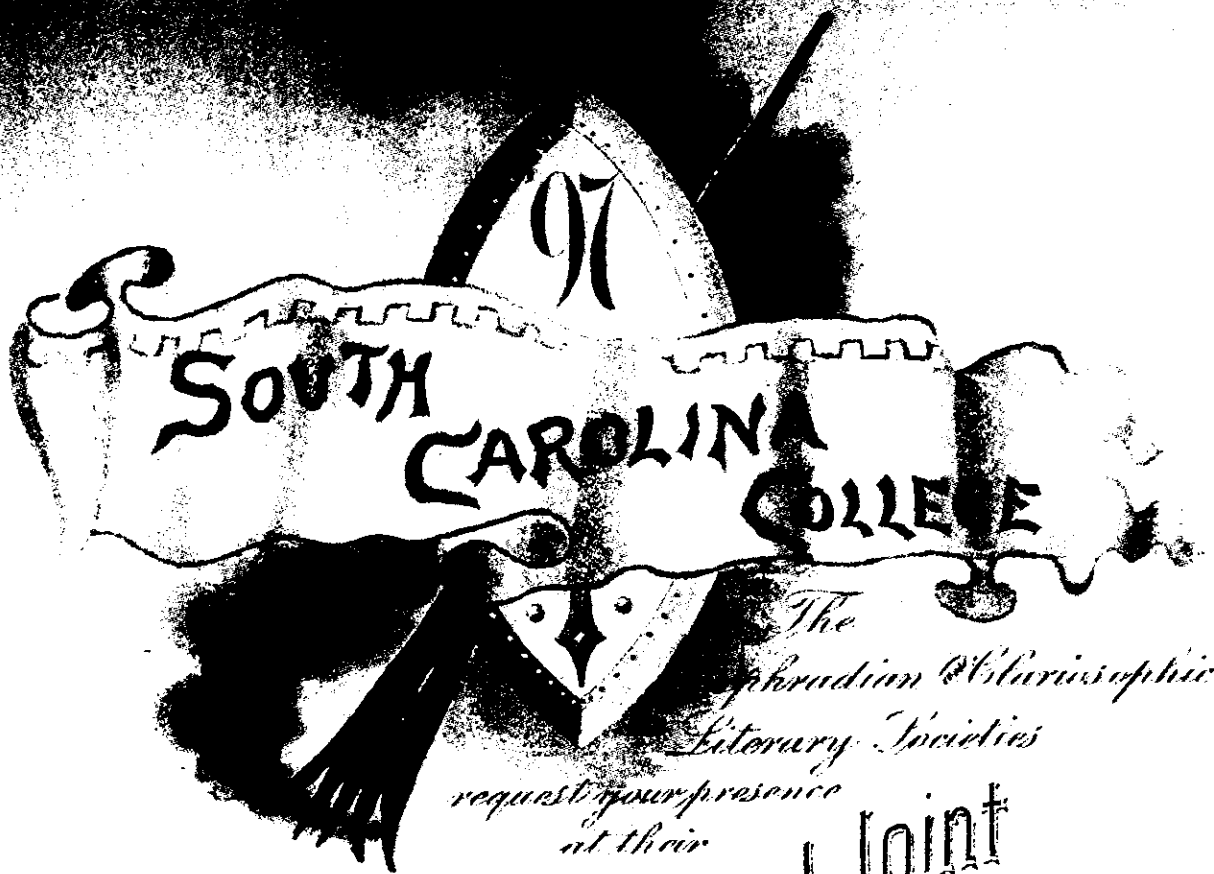
# Euphradian & Clarosophic

Monday Evening June 23 <sup>rd</sup> 1914.			Tuesday Evening June 24 <sup>th</sup> 1914.		
Pres.	Valedic.	Jr. Orator.	Pres.	Valedic.	Jr. Orator.
S.D. Dunn.	W.E. Preston.	W.L. Bass.	W.E. Whitner.	G.E. Sumner.	L.W. Parker.
Marshals.			Marshals.		
R.P. Hamer, Jr. Chief.			J.M. Kinard, Chief.		
Assist.		Assist.	Assist.		Assist.
H.H. Huggins.		B.F. Williamson.	J.B. McDryde.		J.M. Davis.

College Chapel 8.30.








*The  
Ephebian Oratorical  
Literary Societies  
request your presence  
at their*

# *Annual Joint Contest.*


*Friday, February twelfth, 1897, at eight o'clock, P.M.*

*College Chapel.*

E. A. WARD, 1897.



Dec. 22, 1891



Philosophic and Empiric  
Literary Societies  
of the  
South Carolina College.

request your presence at their  
Annual Joint Contest,  
Tuesday, December 22<sup>nd</sup> 1891,  
at eight o'clock, P. M.  
Columbia, S. C.

Annual Alumni Oration  
before the Societies.  
Monday, December 21<sup>st</sup> 1891,  
at eight o'clock, P. M.  
by Hon. Patrick Cushman,  
Philosophic.

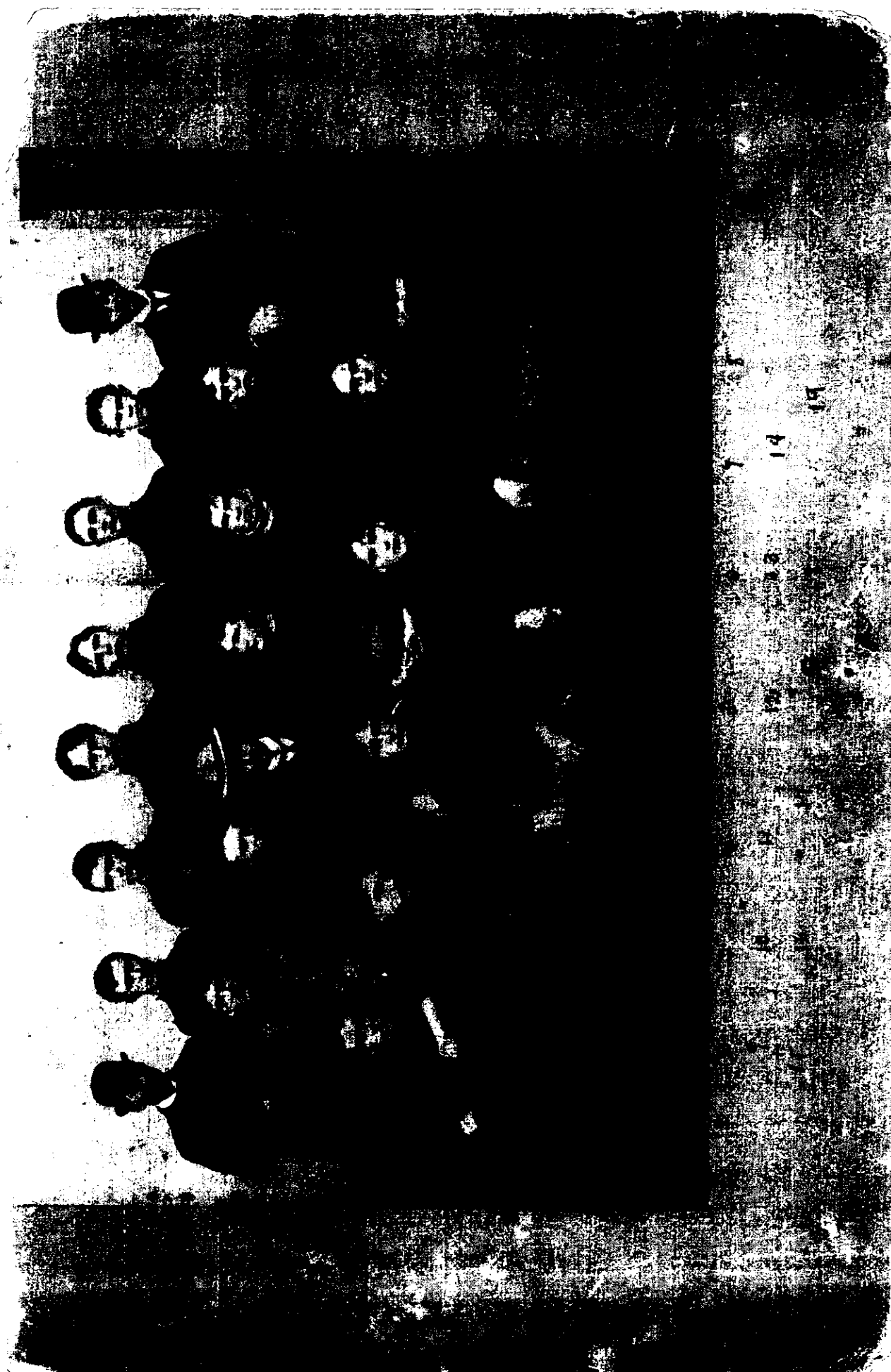
# APPLICANT'S EXH. 16



FOOTBALL TEAM, '08

DR. WOODWARD McCALLUM HARRIS MILLER SWEARINGEN MINUS HUGHES WITHERSPOON, Manager  
 HASKELL, F. H. EVANS, W. R. WERTENBAKER, Coach FOSTER, Captain HAGOOD MCINTOSH  
 HERBERT EVANS, W. E. CRAWFORD SHAND FOSTER, C. A.

Opposition No. 91125615  
 Univ. Southern California v.  
 Univ. South Carolina  
 Opposition No. 125,615  
 Univ. of So. Cal. v. Univ. of S. Carolina  
 Applicant's Ex. 14



# APPLICANT'S EXH. 17



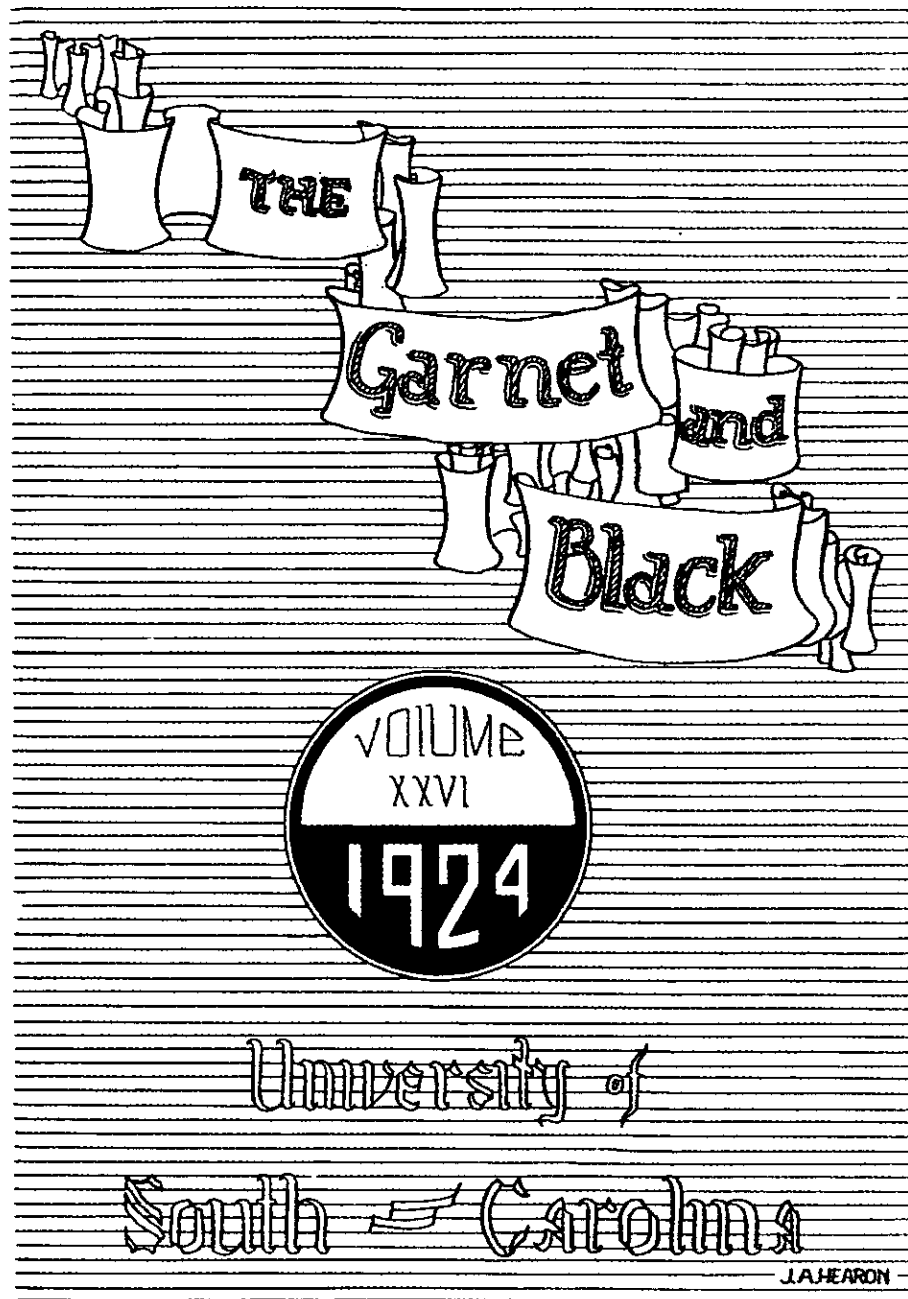
'VARSITY FOOTBALL TEAM, '02

Blackwell	Nicholson, J.	Ruehr	Cogburn	Ryttenberg	Davis	Gynter	Withers	Dickson, (Coach)
Oliver	Deal	Herbert	Freeman, Capt.	McCallum	McCutchen			Stringfellow, Mgr.
	Ehrich		Nicholson, W.	Sally		Felder		

Opposition No. 91125615  
 Univ. Southern California v.  
 Univ. South Carolina  
 Opposition No. 125,615  
 Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 17

# APPLICANT'S EXH. 18



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 18

Applicant 00950



## Freshman State Champions 1924



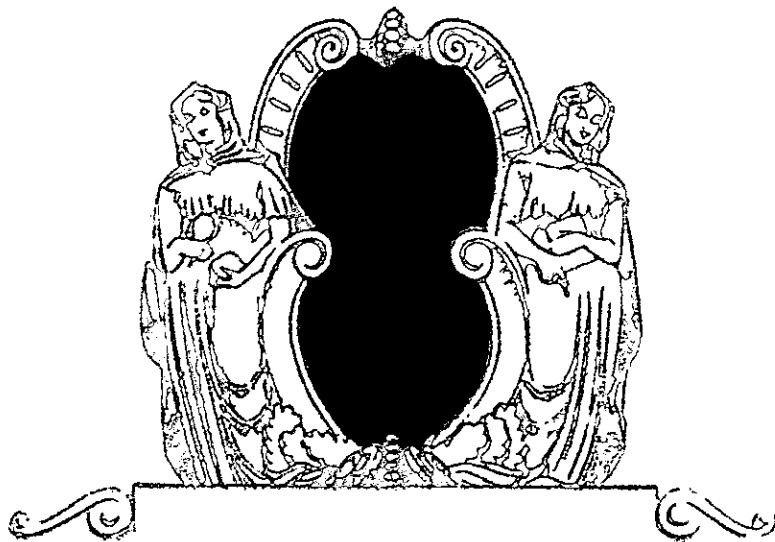
HE habit of winning State titles has taken such a hold on the Carolina Biddies that they also annexed the basketball honors. This year the squad had a regular coach, manager, and schedule. They showed their appreciation by the fine work displayed all during the season. The Freshmen engaged in nine battles and won all but one. The Furman Freshies downed the Birds on their visit to Greenville by six points, but a week earlier the score had been reversed with a margin of thirty-one points. A season, with but one defeat, is something to be proud of. Among the members of the squad, Captain "Bill" Rogers could not be beaten at running guard. "Si" Seidman was there to help him at the other guard position. "Bus" Wise, the tall, lean, lanky center could not be beaten, and always got the tip. Mikell and Schumpert, forwards, took great delight in doubling the score. Russomano also played well at guard.

Many members of the squad are going to land places on the Varsity team next year. Under the direction of Coach Crawford, Carolina is going to be unbeatable next season.

The following is the schedule of the Freshman Team 1924:

CAROLINA		OPPONENTS	
Carolina	39	Sumter Y. M. C. A.	19
Carolina	58	Furman Fresh	27
Carolina	26	Newberry Fresh	18
Carolina	55	P. C. Fresh	6
Carolina	39	Clemson Fresh	18
Carolina	28	Furman Fresh	34
Carolina	47	Citadel Fresh	16
Carolina	53	Newberry Fresh	27
Carolina	36	Columbia Hi	13

# APPLICANT'S EXH. 19



# Garnet and Black

THE YEARBOOK OF THE STUDENT BODY OF  
THE UNIVERSITY OF SOUTH CAROLINA  
COLUMBIA, SOUTH CAROLINA

1949

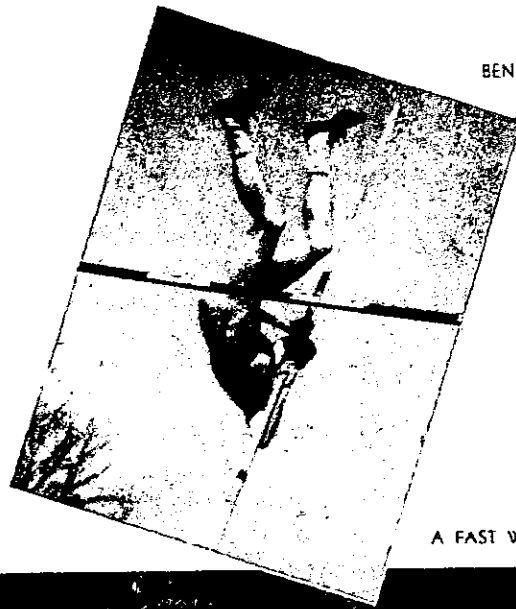
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 19

# CINDERPATH

With a weakened squad the problems of Coach Baskin were numerous due to the rough schedule that he stepped into. Such track powers were Georgia, Davidson, North Carolina State, Clemson, Presbyterian, and Furman. In addition to these dual meets the team participated in the state meet at Clinton, and the Southern Conference Meet at Chapel Hill. Baskin did a wonderful job considering his material and the schedule he had to handle. However, his coaching ability can be judged better after he has had a chance to build up the team and develop his own men. We are sure that Carolina has had a letdown after a great 1948 season, and we are looking forward to its return to the top of the state's track luminaries in the future.

BEN BADGER



A FAST WORKOUT.



HOW FAR, RABBIT?



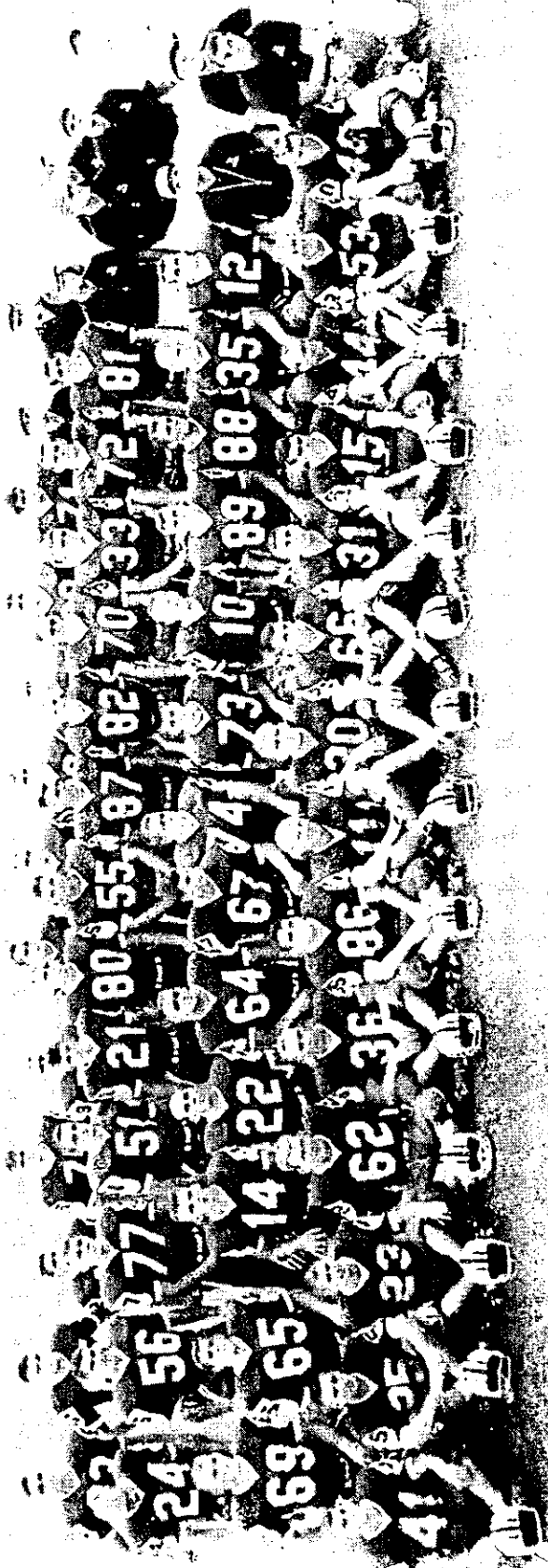
GETTING READY.



RATLIFF SETS 'EM OFF.

# APPLICANT'S EXH. 20

UNIVERSITY OF SOUTH CAROLINA  
1961 Football Squad



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 20

APPLICANT 00922

# APPLICANT'S EXH. 21



1973 Garnet and Black  
University of South Carolina  
Columbia, South Carolina  
Volume 75

Copyright, Garnet and Black, 1973

ICE CREAM, Carolina students have discovered,  
is good for "what ails ya".  
BUSINESS seems very good this hot summer  
day as several people patronize the ice cream  
man's shop-on-wheels.



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina  
Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex. 21

Title Page 1

Applicant 00958



# APPLICANT'S EXH. 22



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

Applicant's Ex.

22

I

Applicant 00960

# Hitting Hard

The USC baseball team battled their way to a 37-18 record in regular season play. In their first season competing in the SEC, the Gamecocks began with a 1-9 record against SEC opponents. The Cocks did not lie down, however, and powered their way to victory in twelve of their last fourteen SEC games.

This late season drive pushed the Gamecocks to second

place in the Eastern Division. Second in the east was good enough to send them to New Orleans to compete in their first SEC tournament.

Early season victories against Western Carolina, Charleston Southern, College of Charleston, Georgia Southern, Campbell and Winthrop had all of USC excited.

The Gamecocks took one from UNC-C, won two against

Richmond and beat Kansas, Wagner and Jacksonville one each. The stage was set for a three game series at Sarge Frye against West Virginia. The Cocks did not disappoint their fans as they swept the series.

The team boasted a 19-4 record in late March and were poised for a three game series at home against the then ranked number one team of LSU. LSU defeated the

Cocks in all three games over the weekend series. Clemson then visited Sarge Frye field. The Gamecocks tamed those Tigers, 8-6.

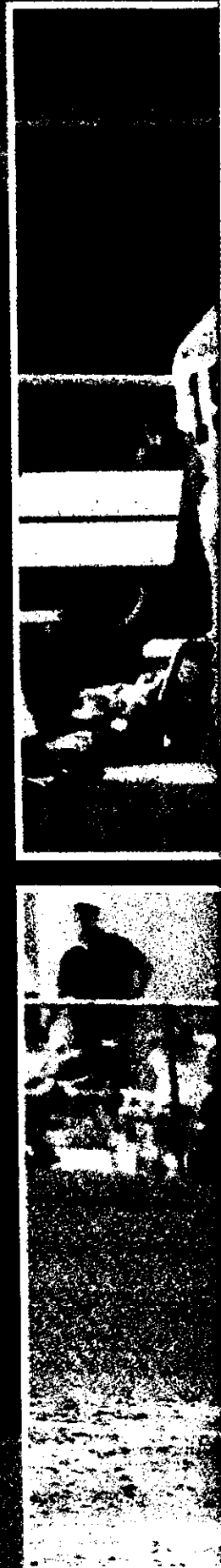
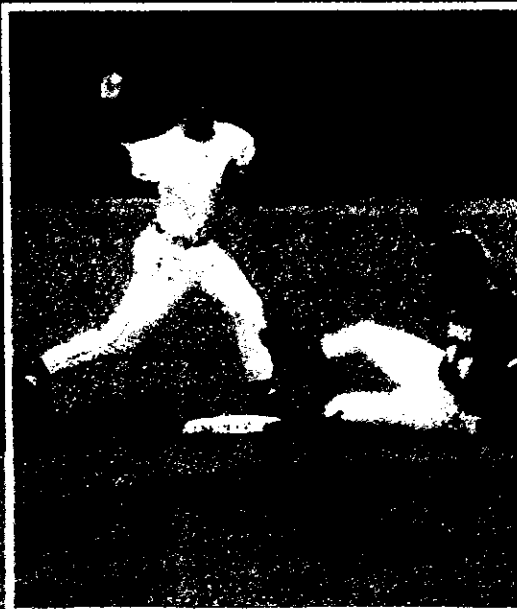
SEC troubles continued for the team as they dropped two games to Arkansas before winning the series finale.

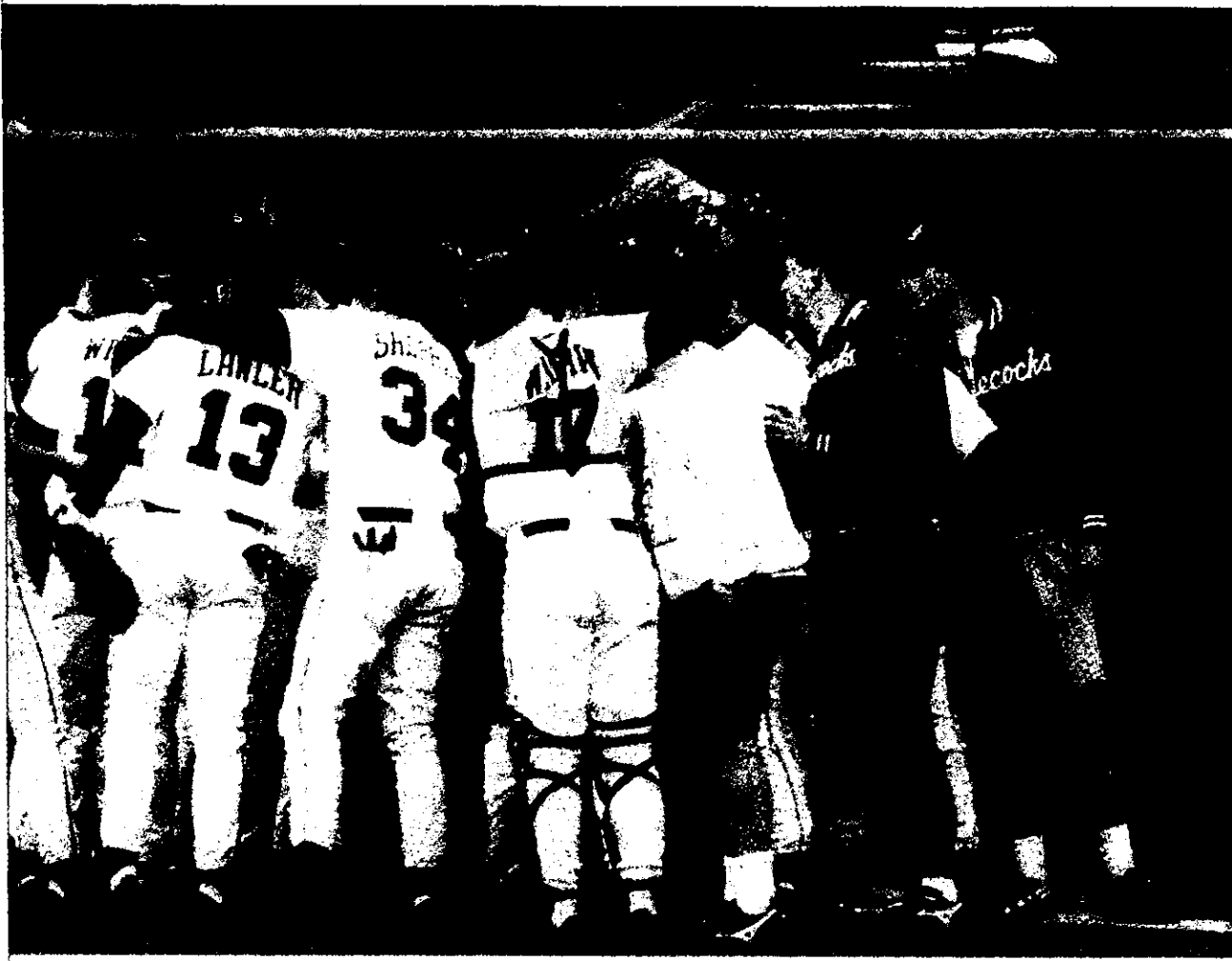
Feature by Greg Anderson  
Design by Shannon Reilly

Listen up. Brian Lawler listens to head coach June Raines. Lawler was voted the team's most inspirational player.



You're out!! A Gamecock stops an LSU Tiger. The Cocks lost that series.





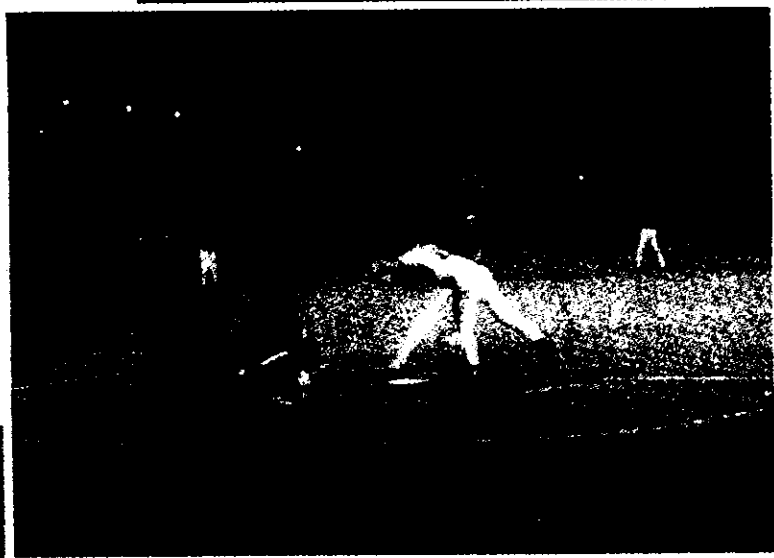
Get psyched! The Gamecocks pump up before a game. The team finished regular season play with a 37-18 record.



Safe! Lawler slides home. USC won two against the University of Richmond.

Applicant 00962

Ball! Lawler avoids being hit by the ball. The Gamecocks beat Clemson on Sarge Frye field.

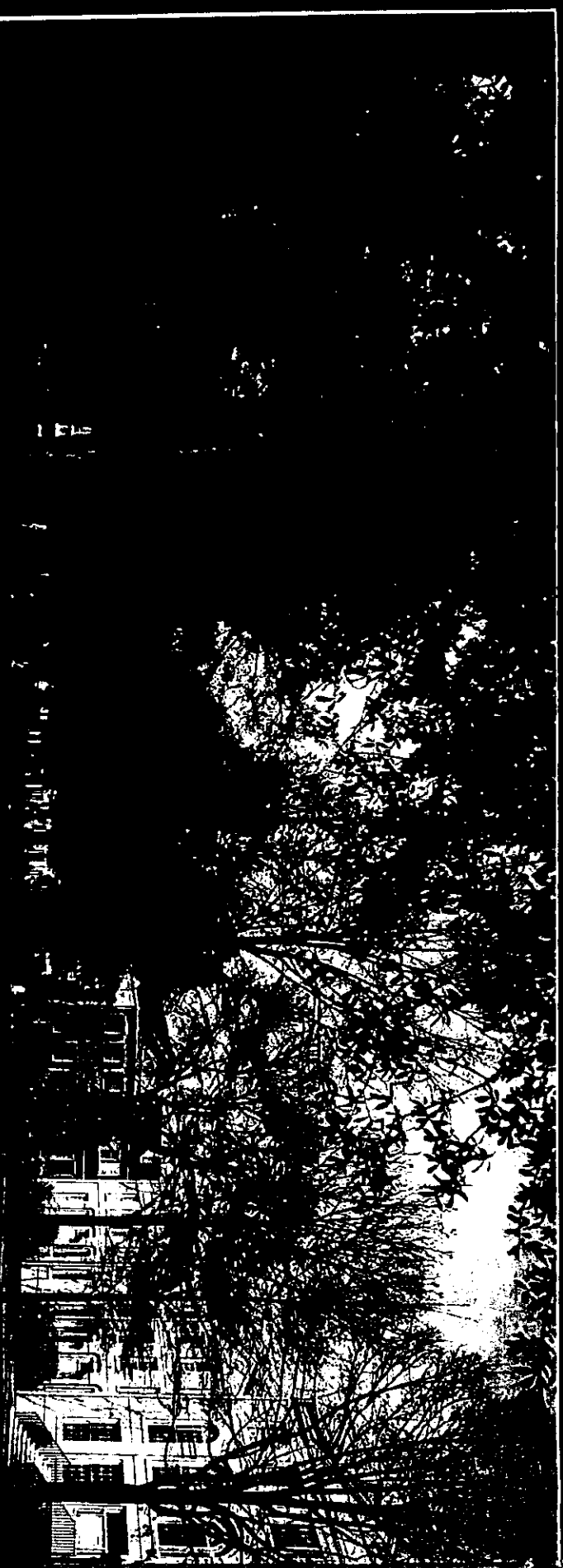


I've got it! Cromer leaps to catch the ball. He served as third baseman and as pitcher.



Concentration. Jim Stamps concentrates on his pitch. He pitched a 5-1 season.

OPPOSER'S EXH. 314



# Remembering the Days

## An Illustrated History of the University of South Carolina

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's

Ex. No. 24, Pg. No.     

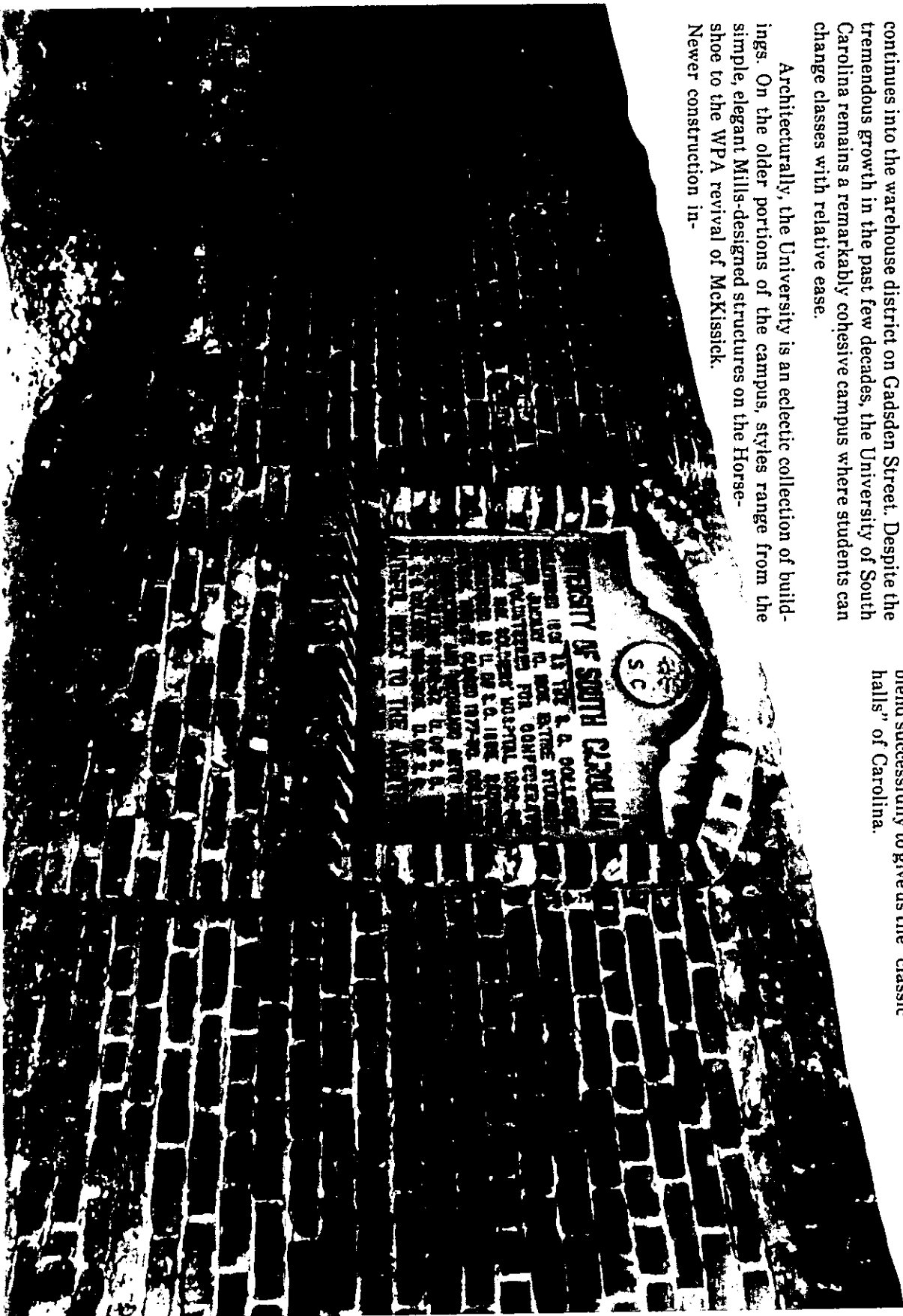
APPLICANT 00430

Since 1805, the University of South Carolina has grown from one building on an 8 acre campus to 136 buildings on 242 acres. The original boundaries of Sumter, Pendleton, Bull, and Greene Streets have been breached in all directions. On the North, there are University facilities across Gervais on Main Street; on the South, the Campus has been extended all the way to Rosewood Drive; the East Campus area boundary is now Gregg Street; and on the west, the Coliseum on Assembly is the most visible portion of the campus that actually continues into the warehouse district on Gadsden Street. Despite the tremendous growth in the past few decades, the University of South Carolina remains a remarkably cohesive campus where students can change classes with relative ease.

Architecturally, the University is an eclectic collection of buildings. On the older portions of the campus, styles range from the simple, elegant Mills-designed structures on the Horse-shoe to the WPA revival of McKissick. Newer construction in-

cludes modern skyscrapers such as South Tower and Capstone, the traditionally-inspired Thomas Cooper Library, and the futuristic air-filled Field House.

Charles A. Beard, one of the great historians of the 20th century once called the Horseshoe "the most beautiful college campus in America." It still is, but the Horseshoe is only one small part of a growing urban university where the old and the new blend successfully to give us the "classic halls" of Carolina.



OPPOSER'S EXH. 315



# ALMA MATER

UNIVERSITY OF SOUTH CAROLINA

FUTURE STUDENTS

CURRENT STUDENTS

ALUMNI

FACULTY &amp; STAFF

VISITORS

Colleges &amp; Schools

University Offices

Libraries

Research &amp; Health Sciences

Campuses

Technology Resources

## "We Hail Thee Carolina"

We hail thee, Carolina, and sing thy high praise  
With loyal devotion, remembering the days  
When proudly we sought thee, thy children to be:  
*Here's a health, Carolina, forever to thee!*

Since pilgrims of learning, we entered thy walls  
And found dearest comrades in thy classic halls  
We've honored and loved thee as sons faithfully;  
*Here's a health, Carolina, forever to thee!*

Generations of sons have rejoiced to proclaim  
Thy watchword of service, thy beauty and fame;  
For ages to come shall their rallying cry be:  
*Here's a health, Carolina, forever to thee!*

Fair shrine of high honor and truth, thou shalt still  
Blaze forth as a beacon, thy mission fulfill,  
And crowned by all hearts in a new jubilee:  
*Here's a health, Carolina, forever to thee!*

SEARCH



### ABOUT THE ALMA MATER

The alma mater was written in 1911 by George A. Wauchope, an English professor at USC, and set to the music of Robert Burns' "Flow Gently, Sweet Afton." It was written as a result of the need for this type of school song. A March 1911 issue of the GAMECOCK reported that a year or two earlier the faculty, "realizing we should have a soul stirring alma mater," offered a prize of \$50, but not much had been done. Several songs, including "A Health to Carolina," were written after this and other articles asked for an alma mater. All of these songs that were submitted were placed in a songbook and sung at chapel.

Although it was several years before the song written by Dr. Wauchope became known as the Alma Mater of the University, it was apparently the most popular one as soon as it came out.

Ever since Professor George A. Wauchope penned the words to Carolina's Alma Mater, its singing at athletic events has been one of the University's most revered traditions. Over the years the custom has arisen of raising the right hand, with fingers cupped, when the phrase "Here's A Health, Carolina" occurs, as if offering a toast. To many alumni, the "toast" is synonymous with events on the athletic field.

— From *Remembering the Days: An Illustrated History of the University of South Carolina* (Institute of Southern Studies; R.L. Bryan Company, 1982).

RETURN TO TOP

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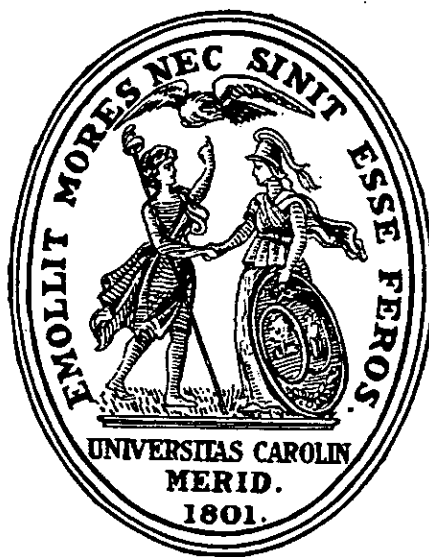
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# OPPOSER'S EXH. 316

# The Garnet and Black

Volume Nine

1907



Published Annually by Students of  
**University of South Carolina**  
Columbia, South Carolina

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 316, Pg. No.

## Athletics

THE season of '07-'08 was a bright one for Carolina. As we had no football in the early fall our attention was turned to track work. A strong track team was put out which scored a victory over Furman during Fair Week. The points were 55-26. This shows that Carolina is looking up in this line of athletics.

After the track meet Fair Week our interest was absorbed in football. A few days before Fair Week it was rumored about the campus that there was to be a meeting of the Trustees on Tuesday, October 29.

A petition was circulated among the students asking the Trustees to rescind their action whereby they had forbidden Carolina's participating in intercollegiate gridiron contests.

It was a beautiful afternoon—that on which the Trustees met—and a body of enthusiastic students were waiting restlessly in front of the library to hear the outcome of the petition. The meeting was a long one, and those waiting were becoming nervous for fear that the request would not be granted. At last, when dusk was gently falling around the historic old library, the meeting adjourned, and President Sloan walked out in front to break the news. The smile on his face was enough, and immediately yells for football and Carolina made the campus ring.

The boys formed in loose marching order and went to all of the professors' residences, giving yells and calling for speeches. Most of the professors responded, and the "Game Cock" spirit manifested itself in the rejoicing of the students. After this noisy tour had been completed, three hundred happy hearts, giving vent to their feelings in grand old Carolina yells, marched out of the campus, up Main street, and ever on towards the College for Women. At each corner there was a halt; yells were given, and then the rejoicing band moved steadily on. As the procession passed McMaster's store a "real" football was thrown out; and there, amid shouts and cheers, a team composed of the remnants of '05's squad was formed, which ran, with a quick succession of plays, over an old-time opponent's imaginary goal line. When at last the College for Women was reached, it was very evident that the girls, who thronged the balconies, joined with us in welcoming back that game in which Carolina has always excelled.

The next week saw an enthusiastic squad hard at work determined to make the most of the short season which was left to them. A fast team was soon developed, which did great credit to Carolina by winning all three of the games played.

The crisp fall days following the football season afforded a great opportunity for those who wished to play tennis. After some practice, the tennis players entered into a preliminary tournament in order to select men to represent us in Greenville. Manning, in the singles, with Dunham and Rich in the doubles, came out victorious and composed the team which fought for Carolina in the State Tournament. Although they failed to win the cup, they put up a good game and manifested the ever predominant "Game Cock" spirit.

With the coming of spring the baseball enthusiasts were heard from. The stand which Carolina took last year was an enviable one, and her record this year proved to be still more so. Only two of last year's team were absent at the first line-up. These two vacancies were more than filled by the new men who won a home on Carolina's squad.

The season opened with Wofford in Columbia. This game was won by a score of 8-5. The next game was with Erskine, the last year's champions, on our home grounds. This game resulted in another victory for Carolina; score, 7-6.

Under the efficient coaching of Mr. Lohr the team was rounded into fine form to go on their first trip. The first game was with Wofford, who won by a score of 4-1. The second game was with Furman, which resulted in a tie: 3-3, twelve innings. The third, and the one which Carolina was proudest of, was with Clemson. Last year, it will be remembered, Clemson and Carolina played two games, the first Clemson won, 4-2; the second went to Carolina, 6-2. This year Carolina won the only game scheduled between the two colleges, score 4-2. Three runs were made in the first inning by the Garnet and Black. Davis went to first on a hit. Gibbes bunted and both were safe. Belser bunted and all were safe again. Perrin hit to the pitcher and Davis was thrown out at the plate. Gibbes stole home, and Belser duplicated the stunt. Perrin scored on Rembert's bunt. The side was retired without any more scoring. Clemson never gave up hope, and came near tying the score in the ninth, after two were out. The last game on the trip was with Erskine, and Carolina again defeated the ex-champions, 6-4. This was won by opportune hitting, a very noticeable characteristic of the team.

After returning home Carolina won three games: One from Newberry, 5-3; two from P. C. of S. C., 3-2 and 1-0. The second trip was not a success. Newberry won the first game, 12-6, and P. C. of S. C. the second, 6-0. The Furman game on May 7th closed the season.

This has certainly been a successful year in athletics for Carolina, and the GARNET AND BLACK wishes the teams of '08-'09 great success.



FOOTBALL SQUAD 1907.

## The Football Squad '07

BEVERLEY	JAMES
BLACKBURN	LAIRD
BLAKE	MANNING
BRADLEY	MARION, J. A.
BUE	MARION, M. L.
BELSER	MATHESON
CAIN	MURDAUGH
CARTWRIGHT	MCMANUS
COLEMAN	NEUFER
COOPER	OLIPHANT
CROFT	PERRIN, L. W.
CROUCH	PERRIN, W. B.
DARGAN	PARROTT
GIBBES	REEVES
GONZALES	SLIGH
GRAYDON	SMITH
HENDERSON	SIMPSON
HEYWARD	WESSINGER
IZLAR	WOODROW

BAIN, *Mascot*

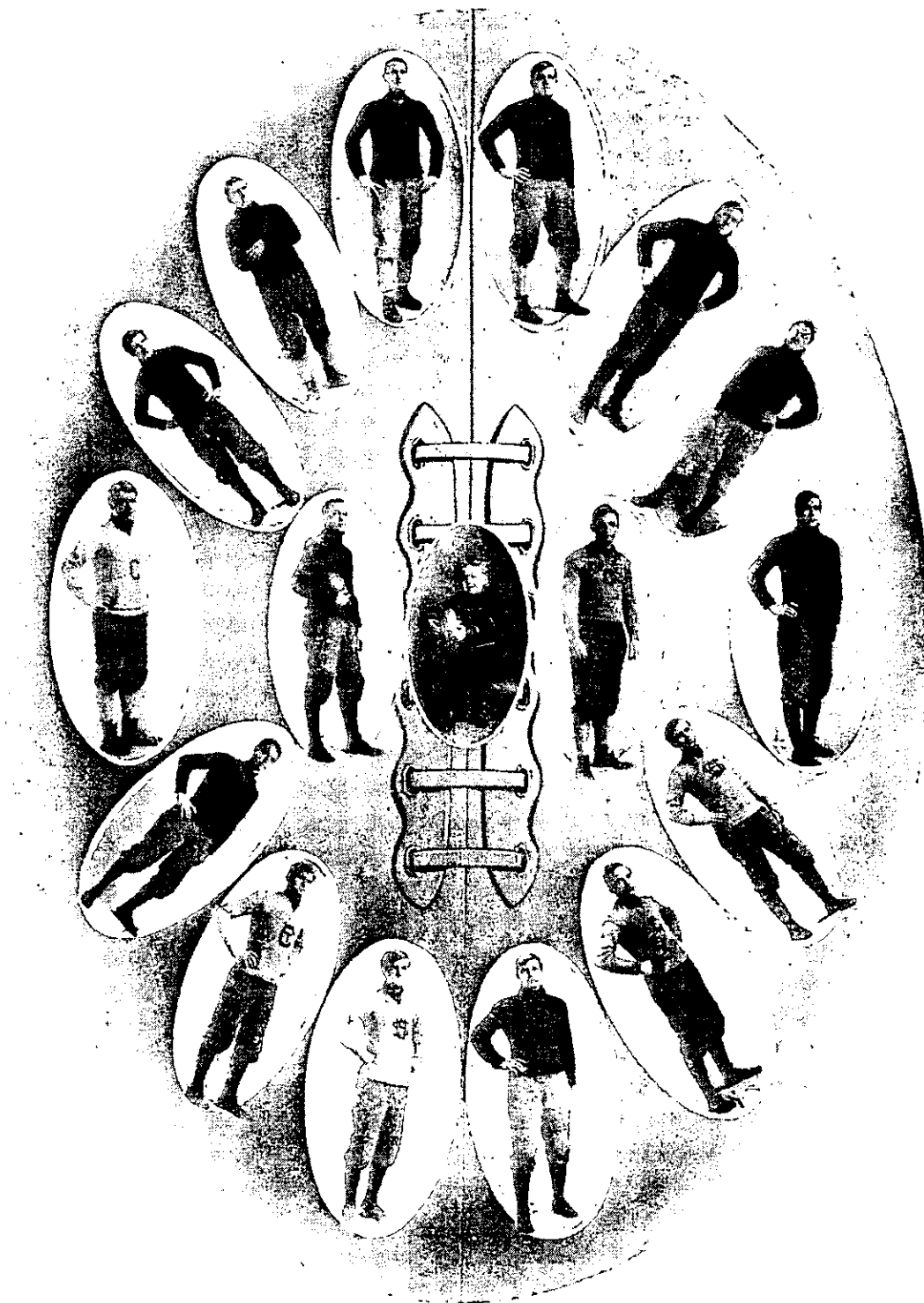


FOOTBALL SQUAD 1907.

## Football Team '07

A. M. LUMPKIN . . . . .	Manager
H. W. HUGHES . . . . .	Assistant Manager
L. W. PERRIN . . . . .	Captain
SMITH AND MCKAY . . . . .	Coaches
REEVES . . . . .	Left End
CARTWRIGHT . . . . .	Left Tackle
WESSINGER . . . . .	Left Guard
GONZALES . . . . .	Center
PARROTT . . . . .	Right Guard
SLIGH . . . . .	Right Tackle
DARGAN . . . . .	Right End
PERRIN . . . . .	Right Half Back
BELSER . . . . .	Full Back
CLARKSON . . . . .	Left Half Back
GIBBES . . . . .	Quarter Back

*Substitutes*—COOPER, MURDAUGH, HABENICHT, CROFT, CROUCH, GRAYDON



VARSIITY

### Games Played

November 16 at Columbia—Carolina vs. College of Charleston . . . . .	14—4
November 21 at Columbia—Carolina vs. Medical College of Georgia . . . . .	4—0
November 28 at Charleston—Carolina vs. Citadel . . . . .	12—0



SCRUB FOOTBALL TEAM 1907

## The Scrubs '07

B. MANNING . . . . .	Manager
H. HENDERSON . . . . .	Captain
BLACKBURN . . . . .	Left End
JAMES . . . . .	Left Tackle
MARTON . . . . .	Left Guard
BUIE . . . . .	Center
COLEMAN . . . . .	Right Guard
LAIRD . . . . .	Right Tackle
SMITH . . . . .	Right End
HENDERSON . . . . .	Left Half Back
MATHIESON . . . . .	Full Back
PERRIN, W. B. . . . .	Right Half Back
HABENICHT . . . . .	Quarter Back

*Substitutes*—BEVERLY, HEYWARD, WOODROW, SHEPPARD, BLAKE

## Game Played

November 28 at Sumter—Carolina vs. Sumter . . . . . 7—0



CLASS 1910 CHAMPION FOOTBALL TEAM.

## Class '10 Football Team

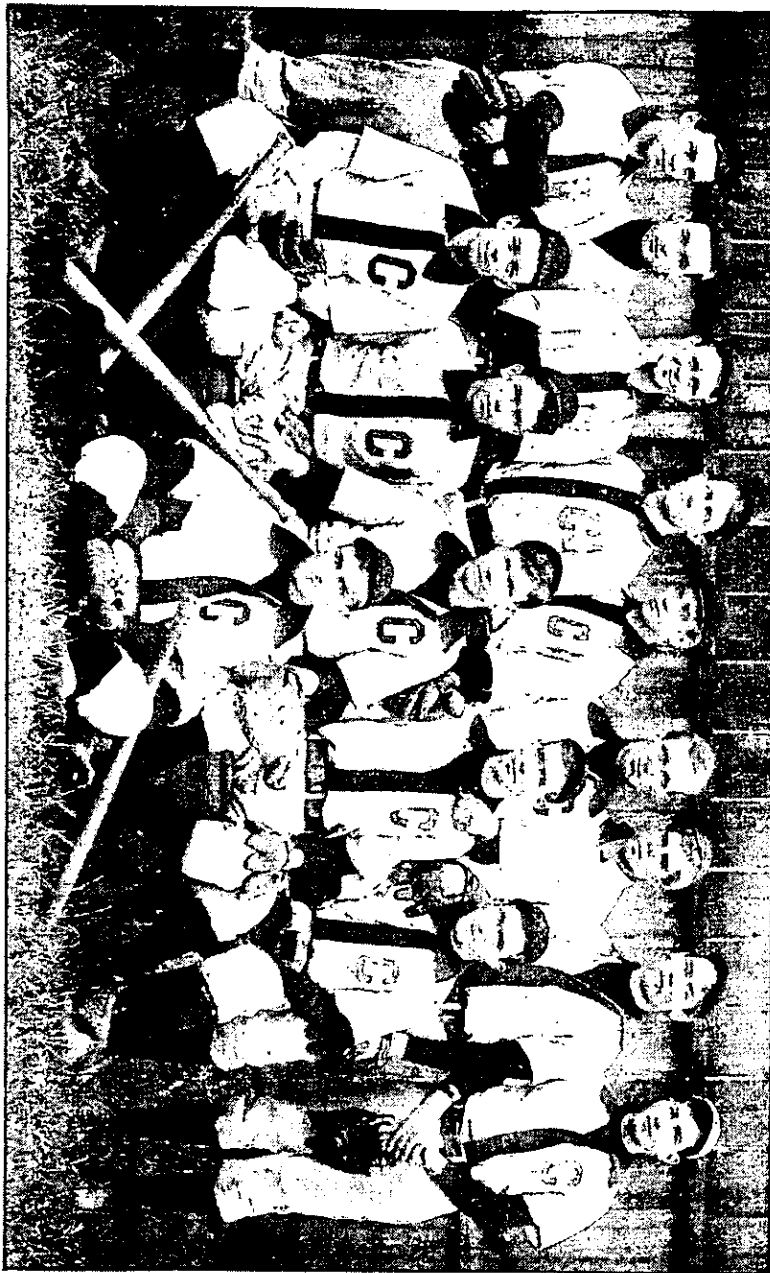
### Winners of Trophy Cup

BELSER . . . . .	Manager
BEVERLEY . . . . .	Captain
CARTWRIGHT . . . . .	Coach
BEVERLEY . . . . .	Left End
LAIRD . . . . .	Left Tackle
CROUCH . . . . .	Left Guard
BUE . . . . .	Center
PARROTT . . . . .	Right Guard
COLEMAN . . . . .	Right Tackle
CAIN . . . . .	Right End
BELSER . . . . .	Left Half Back
BLAKE . . . . .	Full Back
IZLAR . . . . .	Right Half Back
HEYWARD . . . . .	Quarter Back

*Substitutes*—KEUGH, OLIPHANT, MATHESON, NEUFER

### Games

Sophomores 0—Freshmen 0  
 Sophomores 10—Freshmen 0  
 Sophomores 6—Juniors 5



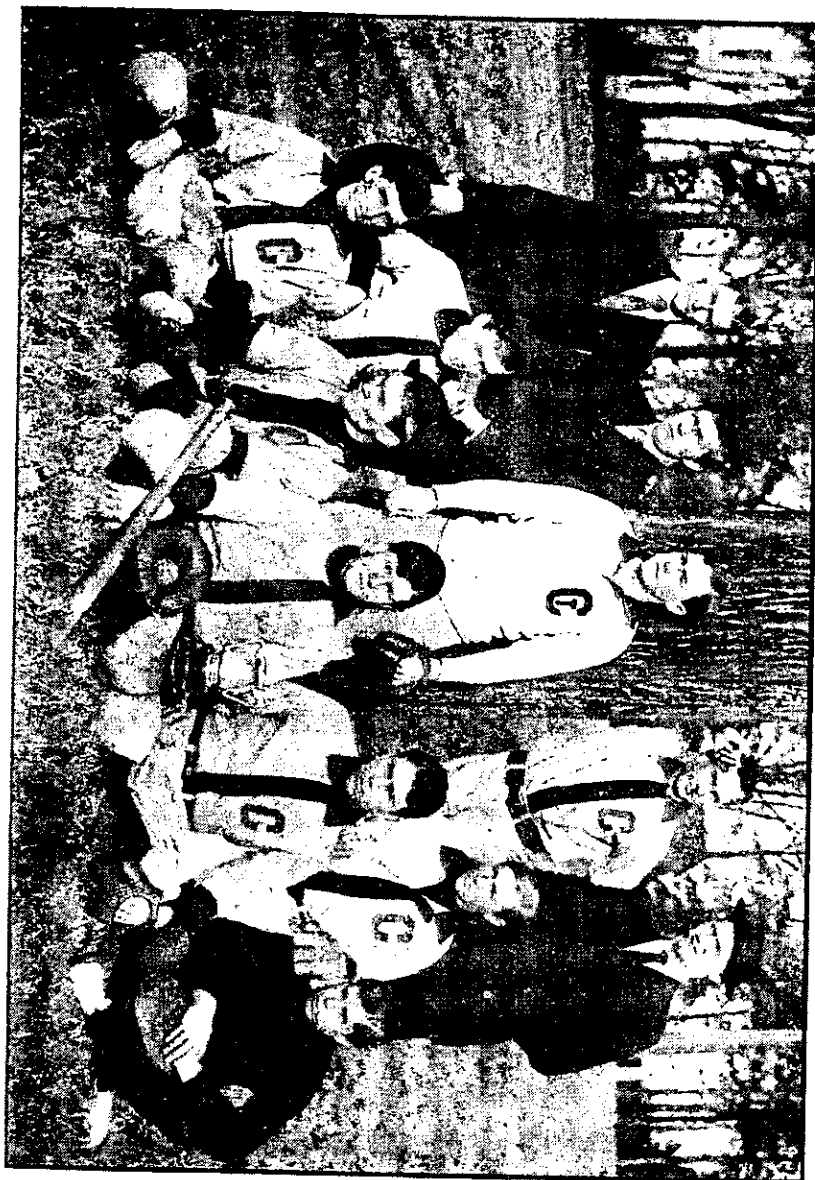
VARSITY BASEBALL TEAM

## Varsity Baseball Team, '08

L. W. PERRIN . . . . .	Manager
J. M. HEMPHILL, JR. . . . .	Assistant Manager
J. H. GIBBES . . . . .	Captain
LOHR . . . . .	Coach
SIMPSON, SMITH, JAMES, WYCHE . . . . .	Pitchers
BELSER . . . . .	Catcher
GIBBES . . . . .	First Base
TRIPPET . . . . .	Second Base
DAVIS . . . . .	Shortstop
PERRIN, W. B. . . . .	Third Base
CARTWRIGHT . . . . .	Left Field
PERRIN, L. W. . . . .	Center Field
REMBERT . . . . .	Right Field
Substitute—HENDERSON	

### Games Played

March 18, at Columbia—Carolina vs. Mechanics.....	5-1
March 21, at Columbia—Carolina vs. Columbia.....	3-5
March 30, at Columbia—Carolina vs. Buffalo, N. Y.....	0-8
March 31, at Columbia—Carolina vs. Wofford.....	8-5
April 2, at Columbia—Carolina vs. Eau Claire.....	7-6
April 3, at Columbia—Carolina vs. Erskine.....	7-6
April 7, at Spartanburg—Carolina vs. Wofford.....	1-4
April 8, at Greenville—Carolina vs. Furman.....	3-3
April 9, at Clemson—Carolina vs. Clemson.....	4-2
April 10, at Due West—Carolina vs. Erskine.....	6-4
April 14, at Columbia—Carolina vs. Newberry.....	5-3
April 25, at Columbia—Carolina vs. P. C. of S. C.....	3-2
April 27, at Columbia—Carolina vs. P. C. of S. C.....	1-0
April 29, at Newberry—Carolina vs. Newberry.....	6-12
April 30, at Clinton—Carolina vs. P. C. of S. C.....	0-6
May 7, at Columbia—Carolina vs. Furman.....	



CLASS 1910 CHAMPION BASEBALL TEAM.

## Class '10 Baseball Team

### Winners of Trophy Cup

HAND	Manager
BELSER	Captain
SIMPSON	Pitcher
BELSER	Catcher
IZLAR	First Base
GIBSON	Second Base
CALN	Shortstop
CARTWRIGHT	Third Base
HEYWARD	Left Field
REEVES	Center Field
KLUGH	Right Field

Substitutes—BRICE, JONES, BURNEY

### Games Played

Sophomores 5—Freshmen 1  
 Sophomores 2—Seniors 1



TRACK TEAM '07-'08.

## Track Team

R. E. GONZALES	Manager
RANDOLPH MURDAUGH	Captain
B. R. HEYWARD	Coach

### Members

MURDAUGH	HANNA
GONZALES	DARGAN
HAYNES	REEVES
EPES	BEVERLEY
CROUCH	HEYWARD
FINLEY	

### Meet

November 1 at Columbia—Carolina vs. Furman . . . . . 55—26

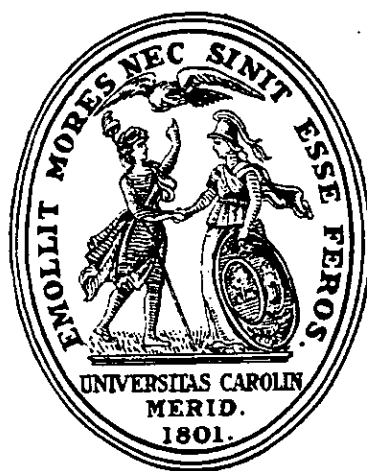


# OPPOSER'S EXH. 317

# The Garnet and Black

Volume Ten

1908



Published Annually by Students of  
**University of South Carolina**  
COLUMBIA, SOUTH CAROLINA

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 317, Pg. No. \_\_\_\_

APPLICANT 02608

## Athletics

THE season of '08-'09 will ever hold a chosen spot in our memories; not so much that it was crowded with success, though it was indeed a bright one for Carolina, but because it marks the first real season after the return of our most beloved game—football.

With the opening of college a squad of forty or more were soon hard at work. A fast team was developed.

Of nine games played, three were won, five lost, and one tied. Carolina scored 63 points to her opponents' 103. The three games won were with Charleston College, 17-0; Georgia Medical College, 19-5; and the Citadel, 11-0. The five lost, with the University of Georgia, 6-29; Charleston Athletics, 4-15; Davidson, 0-22; Bingham, 6-10; and the University of North Carolina, 0-22. The one tied, with Ridgewood, 0-0.

While the football season was not successful from a winning standpoint, considering circumstances and conditions, it was a bright one for Carolina. With nothing but raw material to pick from, some of whom had never played football before, credit is due Coach Benet and his efficient assistant, McKay, for the fast team developed. Though many defeats and few victories hovered in our sky, still in every game that ever-fighting, never-give-up spirit of the gamecock predominated and was manifested.

There was no regular "scrub" team this year, so many players being used in Varsity games. However, Cain, Caldwell, Blake, McNair, Sligh, Gresham, and Sharpton deserve especial mention, and have promise of making very valuable material for the Varsity of '09. In the scrub game at Sumter on Thanksgiving Day Carolina was defeated 0-6, by the fast Sumter High School Eleven.

At the close of the regular football season the class football games were pulled off. For the second time the Football Trophy Cup was won by the Class of 1910. The championship game, between the Juniors and the Freshmen, resulted in the Juniors' favor, 0-6.

Basket-ball, though in its youth at Carolina, is gradually taking hold and promises much success and glory to the University in this field of athletics. The squad this year was unusually large. Three games were played: one each with Furman, Columbia Y. M. C. A., and Wofford. These games resulted, 19-21, 21-37, 18-23, in favor of Carolina's opponents.

In a few weeks the annual tennis meet of the South Carolina Intercollegiate Tennis Association will be held at Carolina. Representatives from all the colleges of the state will be present. We regret that we cannot await results. The GARNET AND BLACK extends its best wishes to Carolina's representatives, Messrs. Waring, Rich and White.

The baseball prospects were never brighter. This year Carolina will have one of the fastest baseball teams in her history. Last year we won the championship of the state, but the "garnet and black" will this year wave still higher in the baseball world. Under the careful training of Coach Reed with the assistance of Captain Belser, the star catcher of last year's champions, a fast team will be developed.

The class baseball games were played immediately after the mid-year examinations. For the first time in several years the Baseball Trophy Cup was won by the Freshman Class. In the championship game the Seniors were defeated, 11-1.

At the time of this writing the baseball season proper had not opened. The GARNET AND BLACK regrets very much its inability to await the results of the intercollegiate baseball games. However, so far five practice games have been played. Three were won from the Mechanics, 13-1, 3-0, 12-1; one was lost to the Columbia Leaguers, 1-3; and one to the Alumni, 2-4. Some big games have been scheduled. Davidson, Bingham, Wofford, Charleston College, Georgia Tech, University of Virginia, Woodberry Forest, and the Citadel will meet Carolina this year for the honors of the diamond.

This has indeed been a successful year in athletics for Carolina. With baseball, football, tennis, and basket-ball Carolina's glory has been widespread. The GARNET AND BLACK wishes the greatest success to the teams of '09-'10.

## The Athletic Association

### OFFICERS

I. F. BELSER ..... PRESIDENT  
B. MANNING ..... VICE-PRESIDENT  
F. G. CAIN ..... SECRETARY  
PROF. L. T. BAKER ..... TREASURER

### FOOTBALL TEAM, '08

R. E. GONZALES ..... CAPTAIN  
R. M. COOPER ..... MANAGER  
CHRISTIE BENET ..... COACH  
DOUGLAS McKAY ..... ASSISTANT COACH

### BASEBALL TEAM, '09

I. F. BELSER ..... CAPTAIN  
R. M. COOPER ..... MANAGER  
R. C. REED ..... COACH

### BASKET-BALL TEAM, '08-'09

J. C. VASSY ..... CAPTAIN  
H. B. ADAMS ..... MANAGER  
J. H. BROWN ..... COACH

### ADVISORY BOARD

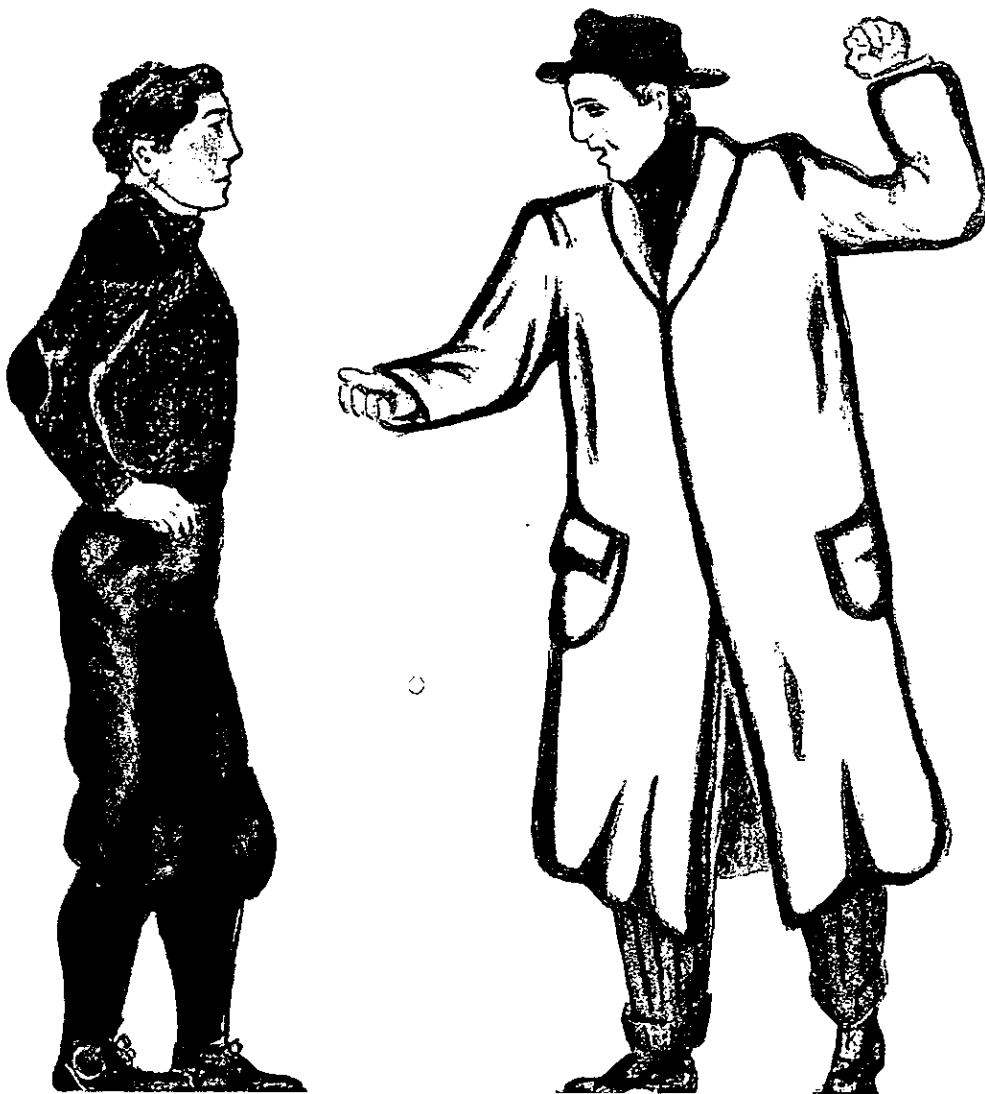
A. C. MOORE, EX-OFFICIO CHAIRMAN  
PROF. F. H. COLCOCK  
PROF. C. W. BAIN  
PROF. L. T. BAKER

### STUDENT BODY MEMBERS

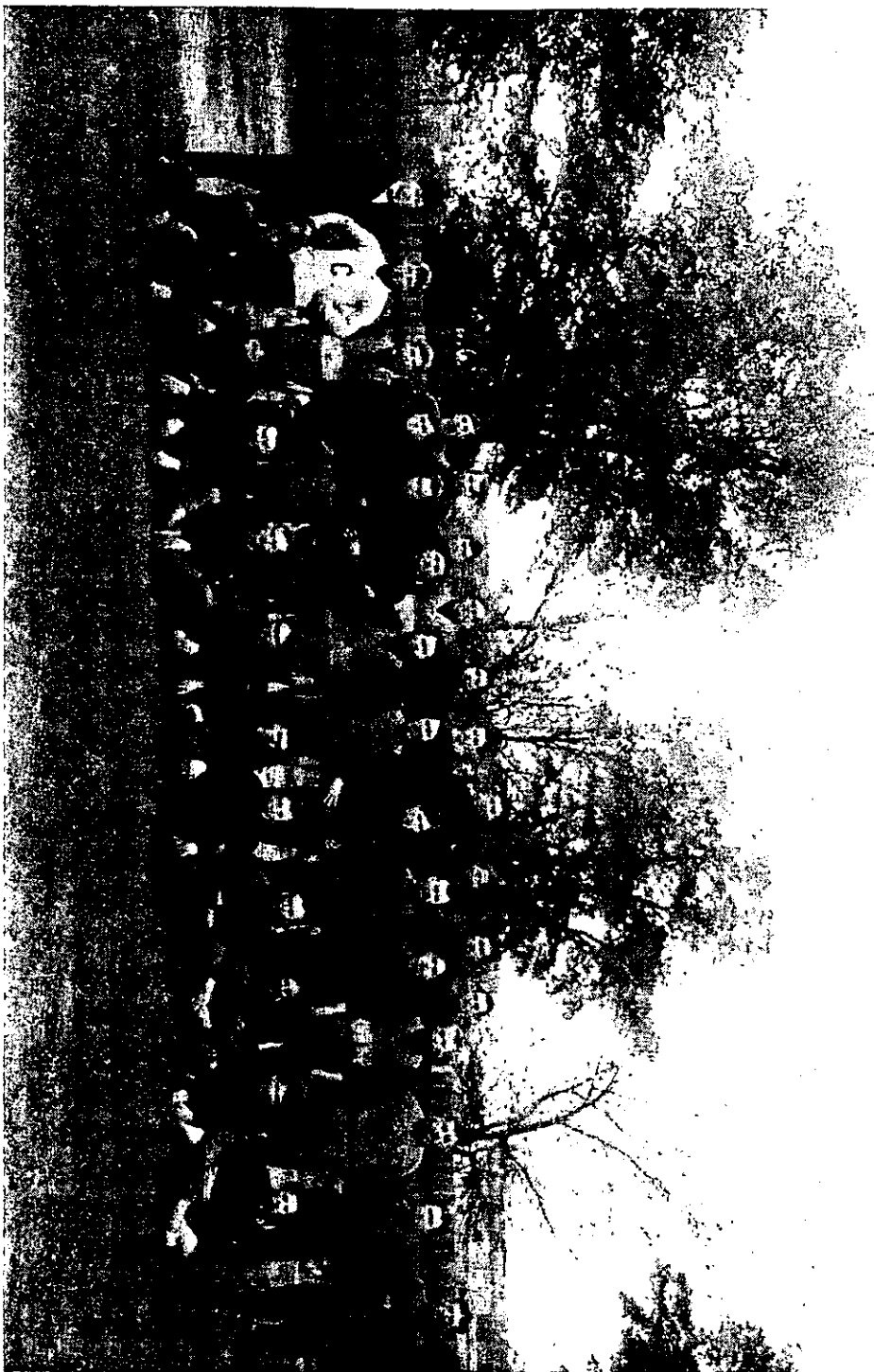
J. C. SHEPPARD, JR.  
I. F. BELSER

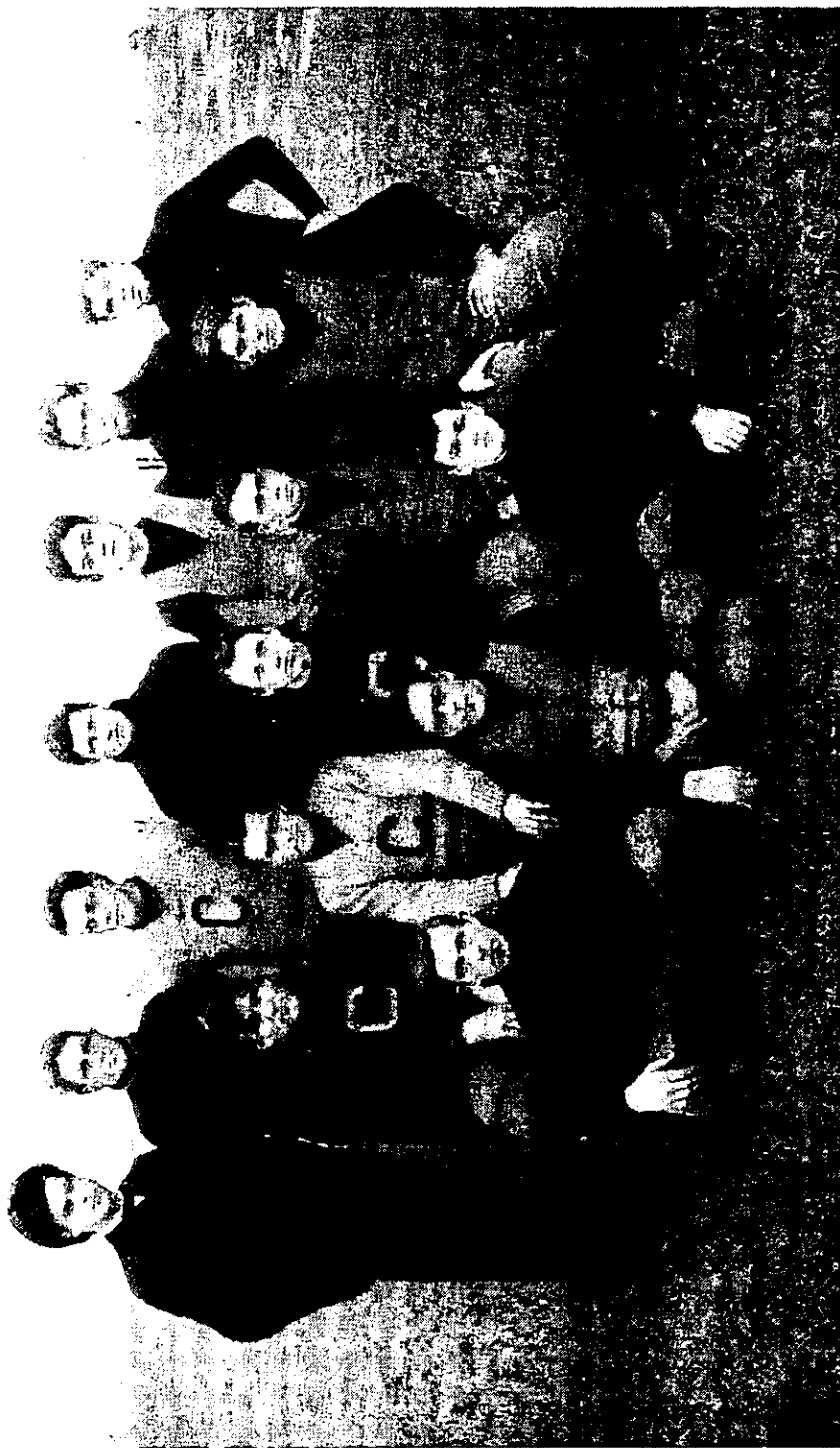
### ALUMNI MEMBERS

HARRY EDMUNDS  
BEVERLY HERBERT

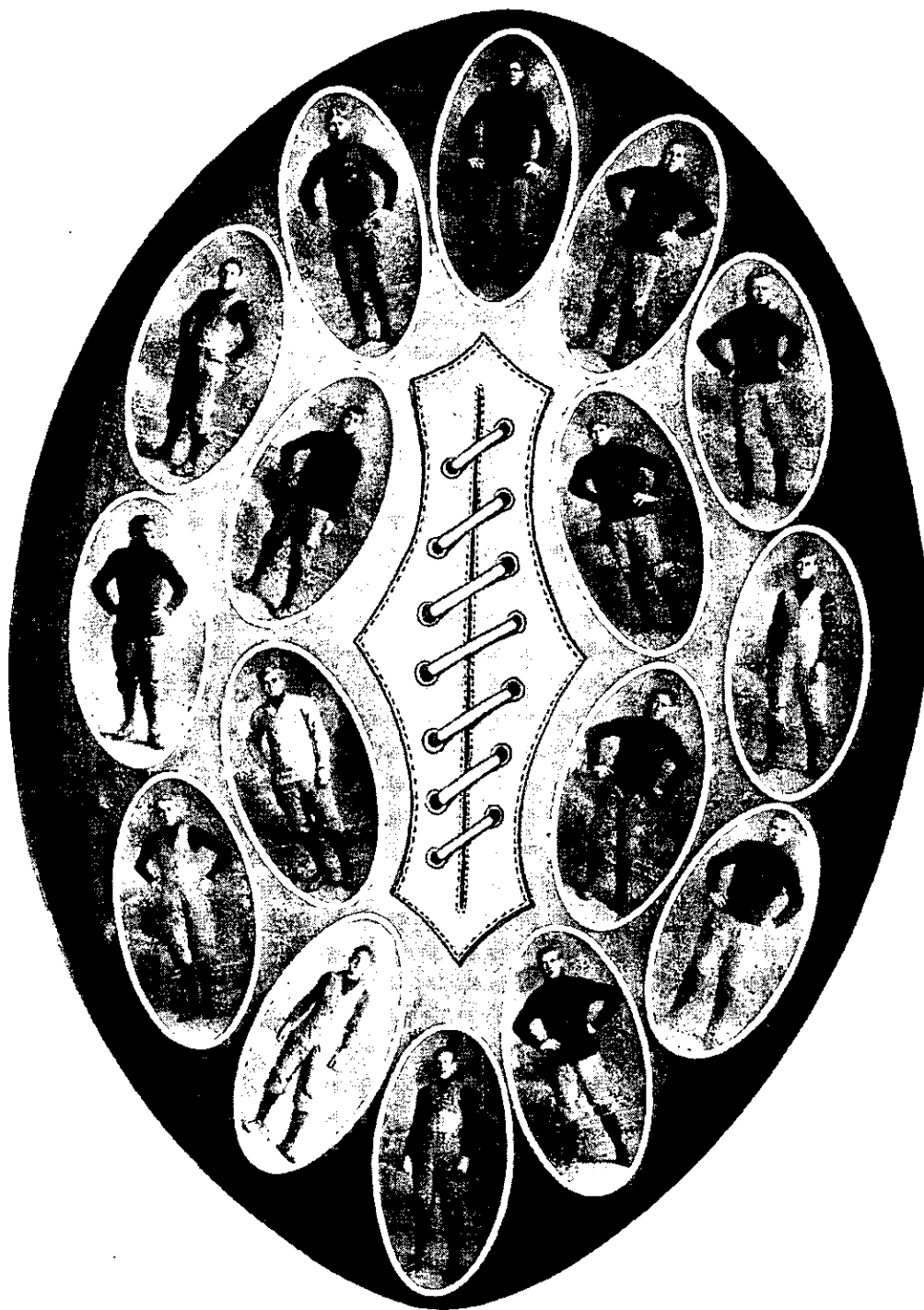


THE VARSITY SQUAD AT THE BEGINNING OF THE SEASON

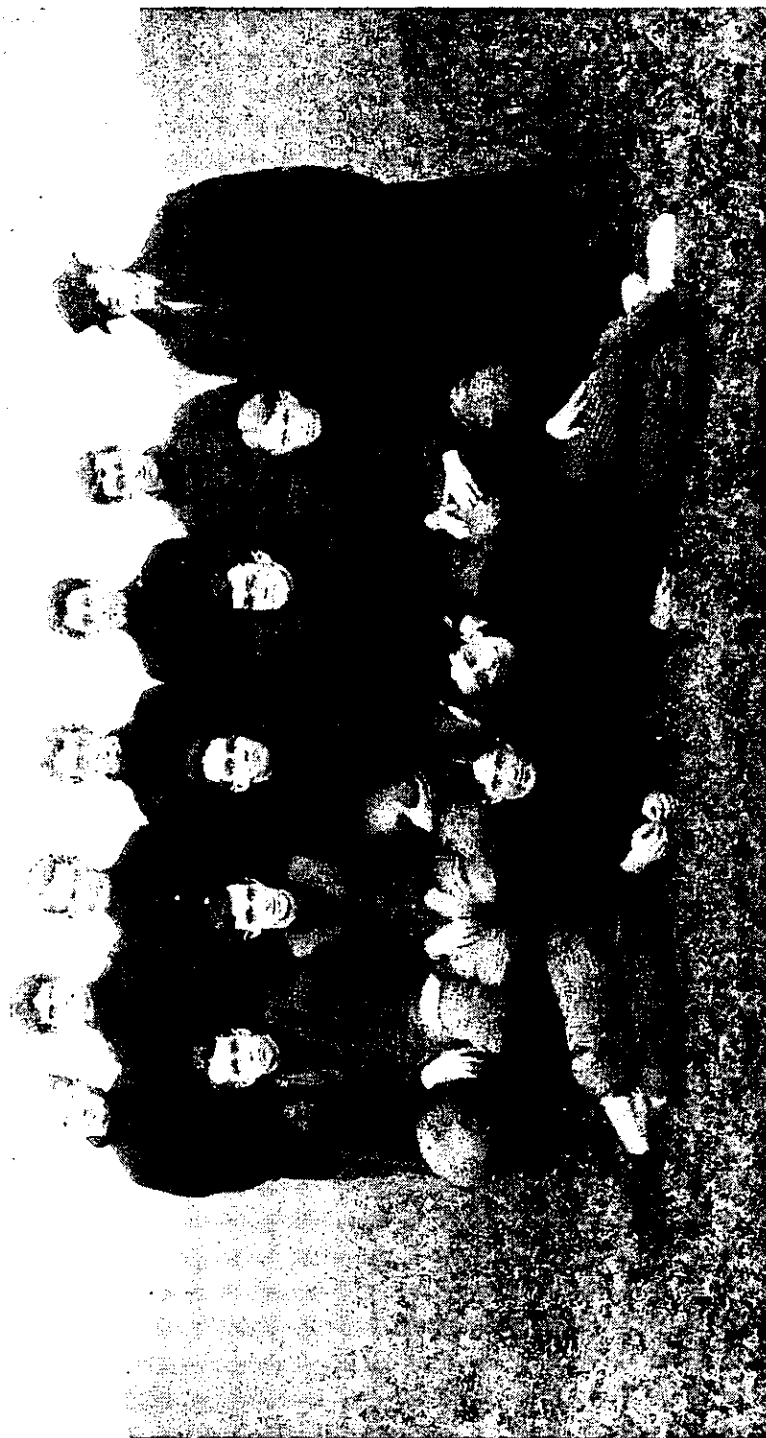




Varsity

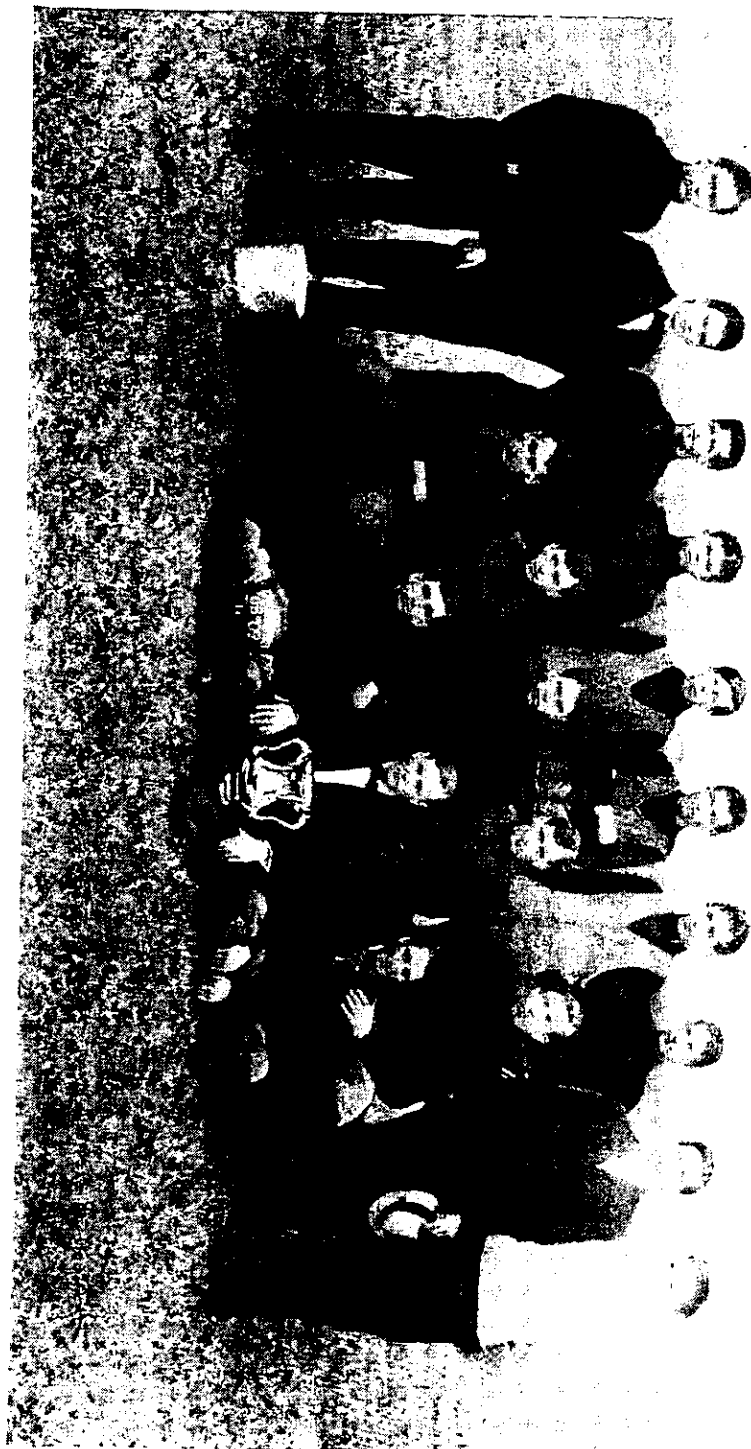


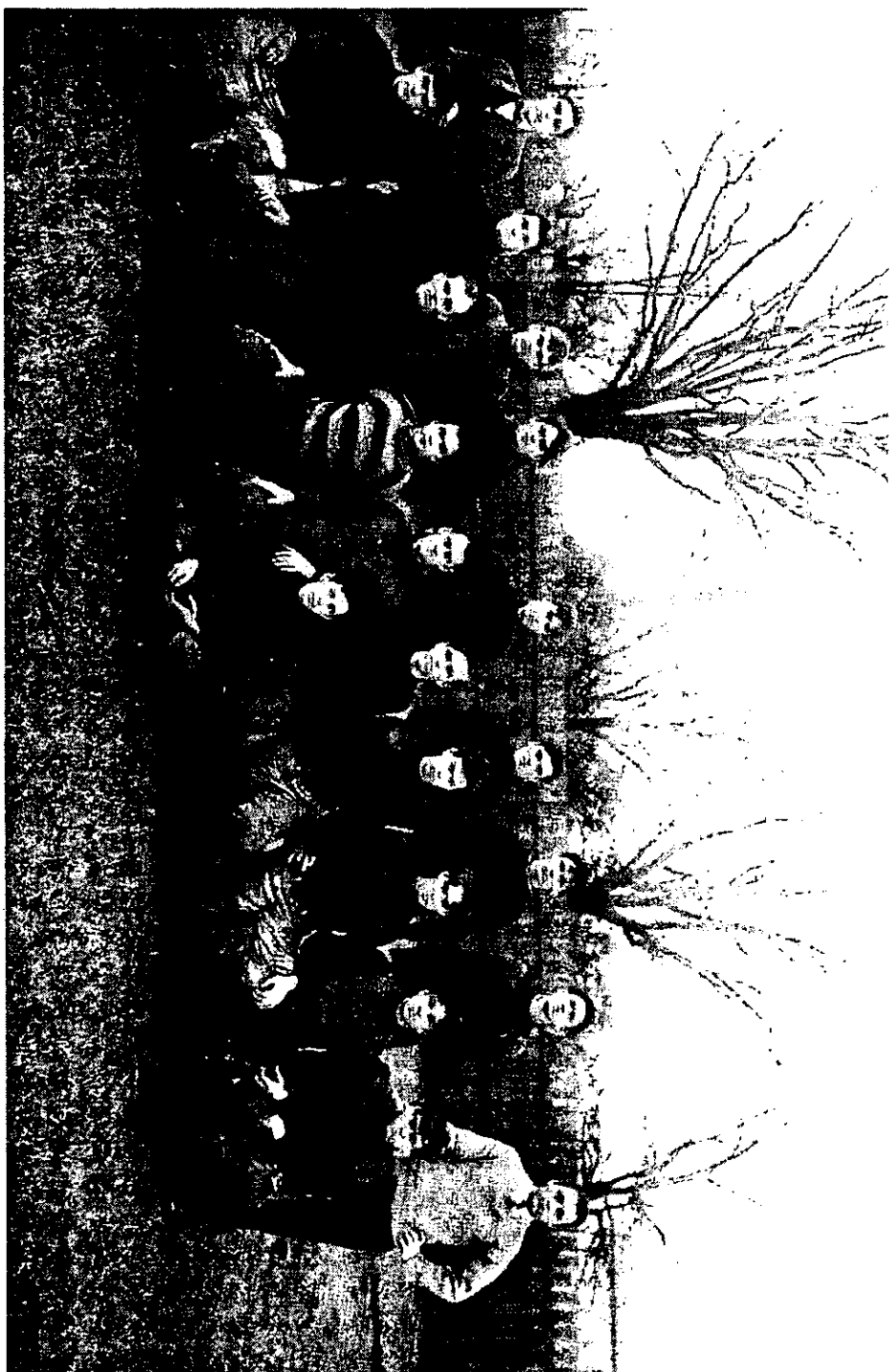
APPLICANT 02615



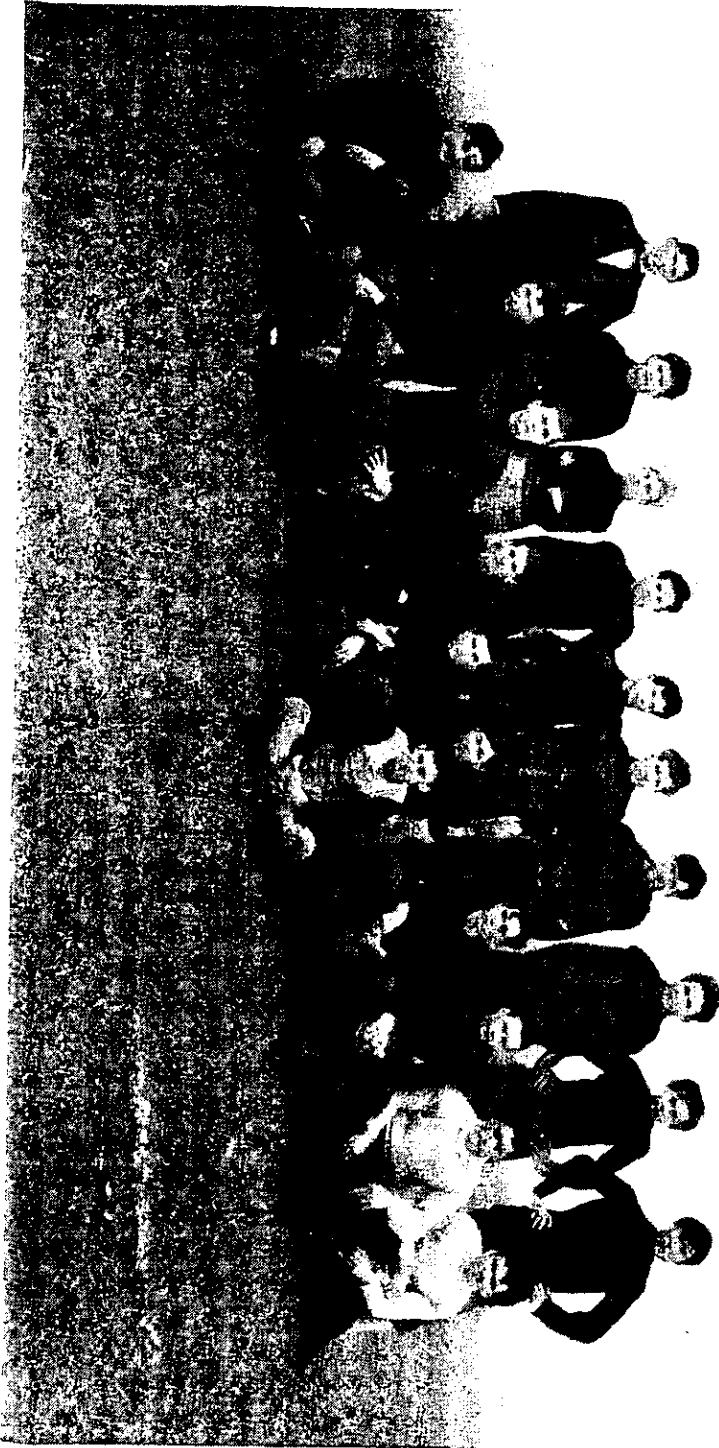
SENIOR

JUNIOR

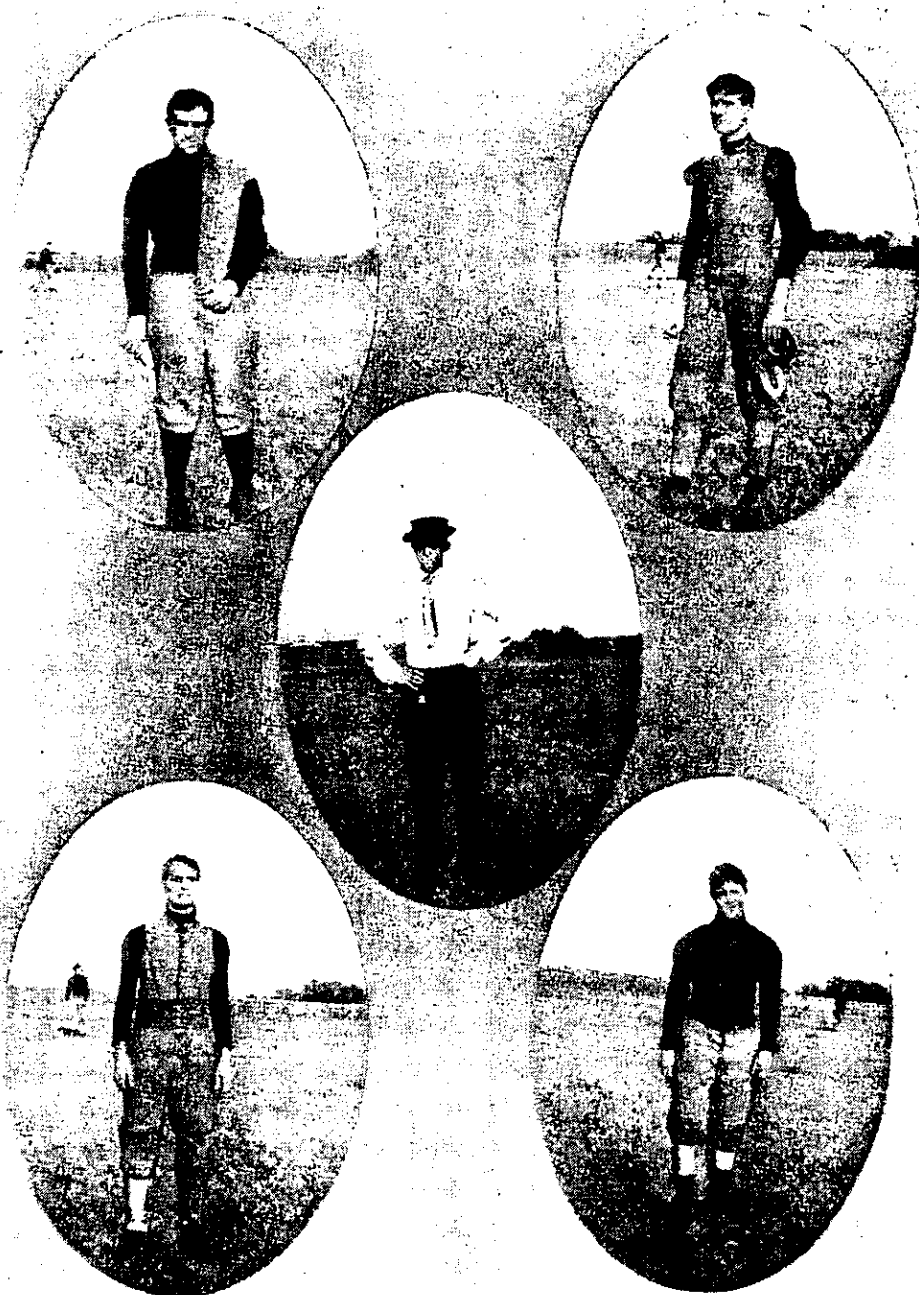




SOPHOMORE



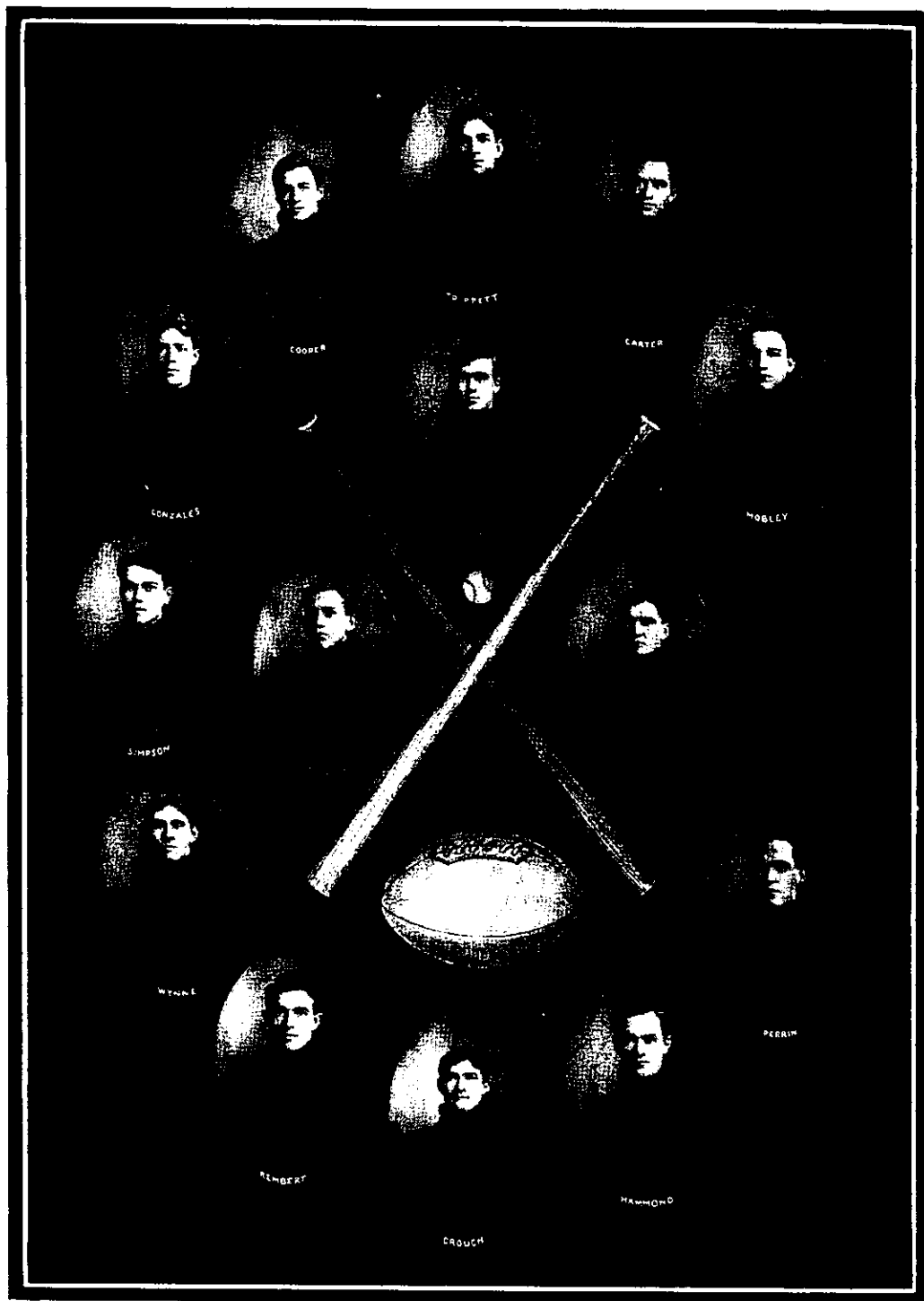
IRISHMAN



SNAP SHOTS



SOPHOMORE TEAM



APPLICANT 02622

## **The C Men's Club**

### **CONSTITUTION**

**NAME:** The name of this organization shall be "The C Men of the University of South Carolina."

**OBJECT:** The object of this organization shall be the furthering and promoting of all athletics and athletic interests at this University, and the exercise of whatever powers may be granted it by the athletic authorities of the institution.

**MEMBERSHIP:** The C Men's Club shall be composed of all students of the University who have won, and been granted by the Advisory Board, block "C's," for Baseball and Football.

**OFFICERS:** The officers of this organization shall be a President, Vice-President, and Secretary and Treasurer, elected at the first meeting of each collegiate year, which meeting shall not be later than October 1st, and shall be called by the ranking officer of the organization of the preceding year.

### **OFFICERS**

A. W. DARGAN.....	PRESIDENT
L. W. SMITH.....	VICE-PRESIDENT
I. F. BELSER.....	SECRETARY-TREASURER

### **BASEBALL**

PERRIN  
BELSER  
SMITH  
REMBERT  
TRIPPETT  
SIMPSON

### **FOOTBALL**

COOPER	HAMMOND
PERRIN	GONZALES
BELSER	MOBLEY
DARGON	CARTER
CROUCH	WYNNE

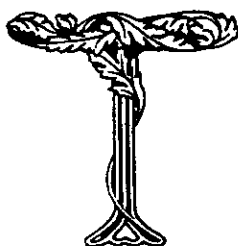
# OPPOSER'S EXH. 318

THE  
**Garnet and Black**

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VOLUME ELEVEN

1909



PUBLISHED ANNUALLY BY THE STUDENTS

OF THE

**University of South Carolina**

COLUMBIA, S. C.

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 38, Pg. No.     

APPLICANT 02624

# GARNET A V C BLACK, '19

## THE ATHLETIC ASSOCIATION

### OFFICERS.

J. H. HAMMOND.....*President*  
 C. T. GRAYDON.....*Vice-President*  
 R. E. SEIBELS.....*Secretary*  
 Prof. L. T. BAKER.....*Treasurer*



### FOOTBALL TEAM, '09.

H. HAMMOND, *Captain.*  
 T. SIMPSON, *Manager.*  
 B. THOMAS, *Assistant Manager.*  
 WHITE, BENET, OLIVER, *Coaches.*

### BASEBALL TEAM, '10.

I. F. BELSER, *Captain.*  
 C. T. GRAYDON, *Manager.*  
 H. G. OFFICER, *Assistant Manager*  
 BREITENSTIEN, *Coach.*

### BASKETBALL TEAM, '09-'10.

C. VASSEY, *Captain.*  
 B. ADAMS, *Manager.*  
 E. SCHOFIELD, *Coach.*

### TRACK TEAM, '10.

J. A. CRAWFORD, *Captain.*  
 S. J. COHEN, *Manager.*  
 F. E. SCHOFIELD, *Coach.*

### ADVISORY BOARD.

S. C. MITCHELL, *Ex-Officio Chairman.*

PROF. F. H. COLCOCK

PROF. C. W. BAIN

PROF. L. T. BAKER

### Student Body Members.

J. H. HAMMOND

I. F. BELSER

### Alumni Members.

HARRY EDMUNDS

BEVERLEY HERBERT

## ATHLETICS



IN DEPICTING the season of 1909-10 the writer assumes a task far beyond the reach of his humble pen. Not so much that it was resplendent with glory, crowned with victory, as it was marked in every particular by that ever-fighting, never-give-up spirit of *The Gamecock*; that spirit which has ever made the name of Carolina envious in the whole field of athletics. The season as a whole was not successful, yet in each contest so well did the sons of Carolina acquit themselves that it can be said with pride and glory that for Carolina each defeat was a victory.

The football season was not a victorious one. Considering, however, that this was the second year after the return of football, it can be said that the season was a successful one. On the other hand, some very strong material, on account of association rules, was debarred from the team. Out of eight games played, two, one from Charleston College, 17-11, one from Citadel, 11-5, were won, and six were lost, one each to North Carolina Medical College, 0-5; Georgia "Tech.," 0-59; Wake Forrest, 0-8; Clemson, 0-6; Davidson, 5-29; Mercer, 3-5. Carolina scored 36 points to her opponents' 134. The climax came during Fair Week, when Clemson met us for the first time in seven years. Although defeated, 0-6, it was a victory for the Garnet and Black. Nowhere has the fighting, never-give-up spirit been more displayed by any team! Never was the real Carolina spirit more manifested! "It was a great game, and the boys certainly played football!" an enthusiastic supporter remarked. The success of the team in this game, and for the rest of the season, was due principally to Coach Benet, who, though hard pressed with business affairs, when earnestly requested to do so, took charge of the squad shortly before Fair Week. This is only one of the many occasions on which Christie Benet has shown his love and devotion for Carolina. We cannot find words to express our profound appreciation and thanks for this timely service.

The "Scrub" Team this year was unusually strong. On account of ineligibility for the Varsity, much strong material fell to the "scrubs." A fast team was developed. In one of the practice scrimmages with the Varsity the scrubs were victorious, 0-5. Four regular games were played. Two were won

## GARNET AND BLACK, 1910

from the Columbia High School team, 11-0, 18-0; one lost to the strong Georgia "Meds," 0-5, and one was tied with Abbeville, 11-11. Among the "scrubs" Stoney, Bethune, Riley, Mills, J., Mills, H., McGowan, Mace, Girardeau and Woodrow deserve especial mention. These will make valuable material for the Varsity of 1910.

Upon the close of the regular season the football class games were pulled off. These games always create much interest, because of the intense rivalry between the classmen. For the first time in several years the football Trophy Cup was won by the Freshman Class. The championship game between the Freshmen and the Juniors resulted in a victory for the Freshmen, 18-0.

We regret that the interest in basket-ball seemed to have been lacking this year. Basket-ball is a good game, and should be encouraged at the University. But one game was played. This occurred during Fair Week. Carolina met defeat at the hands of Davidson, 8-29.

At the annual meet of the South Carolina Intercollegiate Tennis Association, Carolina was represented by Messrs. White, Waring and Hydrick. The boys acquitted themselves well, but lost out in the finals to Erskine.

Nineteen hundred and ten marks the return of track athletics to the University. From 1900 to 1906 practically no attention was given track athletics at Carolina, but the present year marks a new era for this branch of athletics at Carolina. There is plenty of strong material to pick from, and we trust that a successful team will be developed.

The baseball prospects were never brighter. Some of last year's stars did not return, but there are many new ones in our midst to fill the vacant places. Last year was quite a successful season for the baseball team. On the northern trip through Virginia and North Carolina many big games were played, notably among them two with the University of Virginia, one of which Carolina won, 6-5. Successful as last season was, we feel safe in predicting a more successful one this year, and, further, we predict the greatest baseball team in Carolina's history.

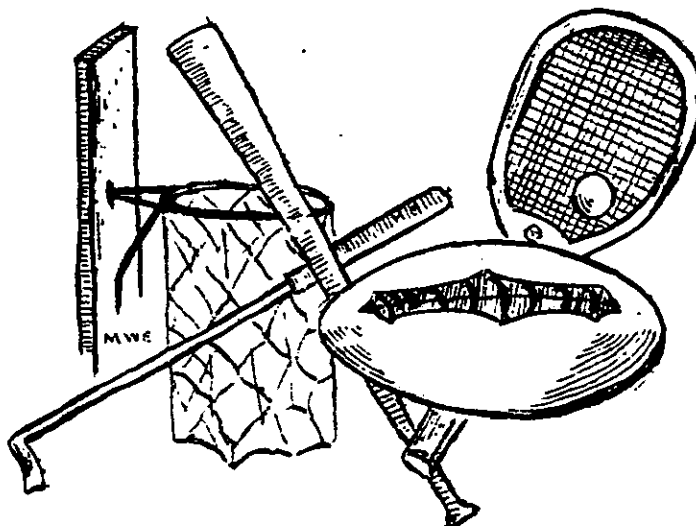
The baseball season has just commenced. In the opening game with the Mechanics, Carolina was victorious, 7-0. The Garnet and Black regrets that further results cannot be waited for. However, under the careful training of Coach Breitenstein, and the leadership of Captain Belser, we feel sure of a most successful season. Many big games have been scheduled. A. and M. College of North Carolina, Davidson, Washington and Lee, V. P. I., Uni-

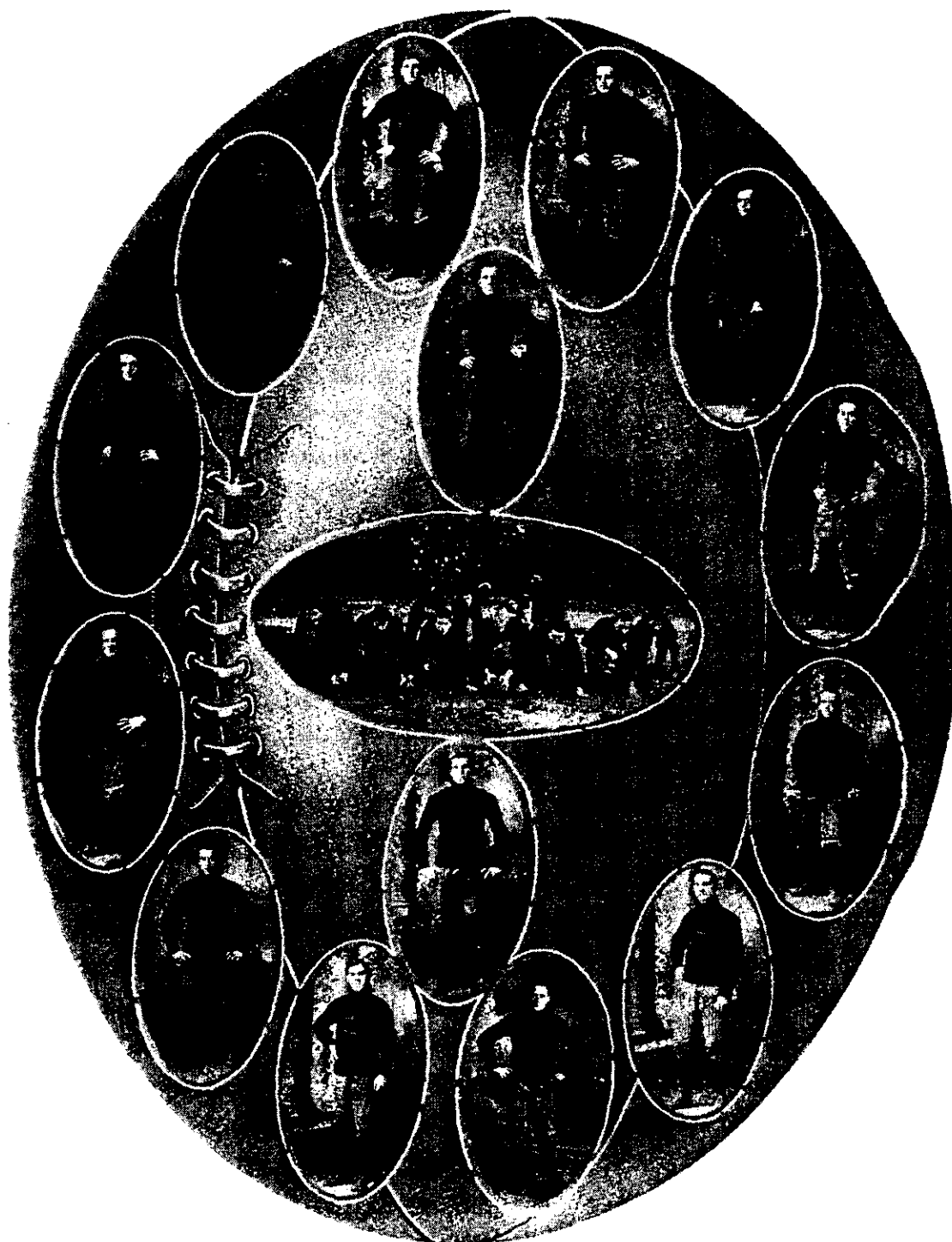
## GARNET A BLACK, 19

versity of North Carolina, V. M. I., University of Georgia and others will this year meet Carolina for the honors of the diamond.

The class baseball games came off during the latter part of February. For the second time the Class of 1912 won the Baseball Trophy Cup. In the championship game, Sophomores vs. Juniors, the latter were defeated, 3-10.

We now bid farewell to the season of 1909-10. While not a victorious one for Carolina, it has been a most successful one. It was only the foreshadow of greater glory and victory for Carolina. The Garnet and Black wishes the greatest success to the teams of 1910-11.







## FOOTBALL GAMES

		SCORE
October	9. At Columbia—Carolina vs. N. C. Medical College.....	0-5
"	16. At Atlanta—Carolina vs. Georgia Tech....	0-59
"	23. At Columbia—Carolina vs. Wake Forrest .....	0-8
"	28. At Columbia—Carolina vs. Charleston College .....	17-11
November	4. At Columbia—Carolina vs. Clemson .....	0-6
"	13. At Davidson—Carolina vs. Davidson.....	5-29
"	20. At Macon—Carolina vs. Mercer.....	3-5
"	25. At Charleston—Carolina vs. Citadel.....	11-5

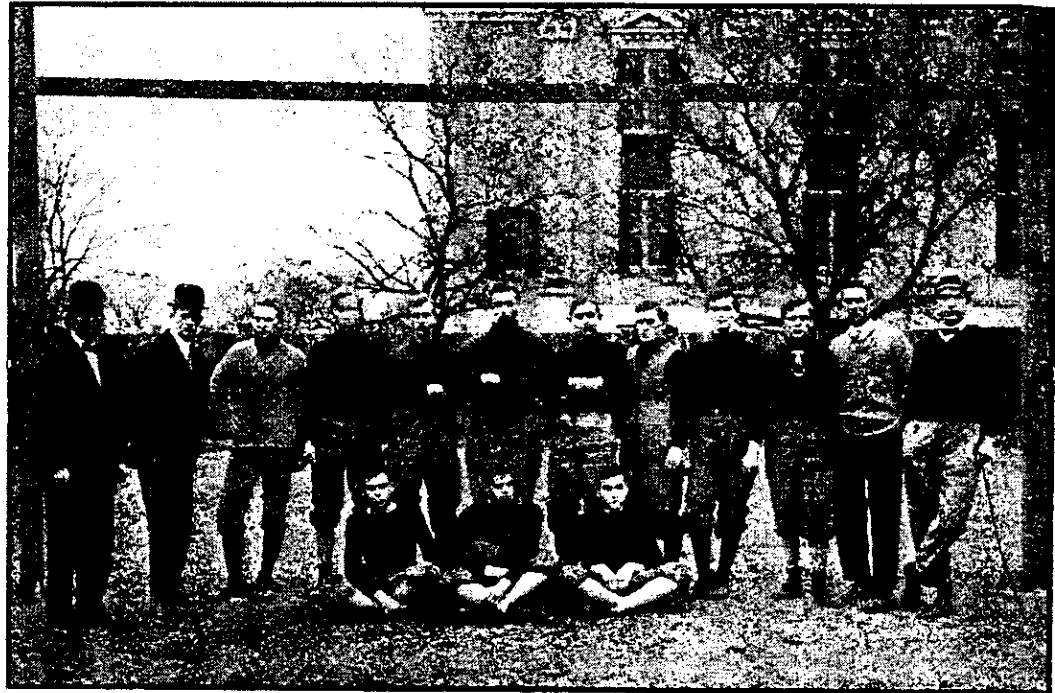


## THE CLEMSON GAME



ON THURSDAY, of Fair Week, November 4th, for the first time in seven years, Carolina met Clemson as her rival in grid-iron honors. The animosities of 1902 had been forgotten; both institutions now met in the wholesome spirit of rivalry. It was a great day, a day which will ever remain greatest in the memory of every true son of Carolina. True, we were defeated, 6-0, but it was a victory for us, the victory of eleven men fighting against the most overwhelming odds, and playing the greatest uphill game ever seen in South Carolina. It was not the victory of a team which went in confident of winning, but that of a set of men who hoped for the best, and were prepared for anything, who, come what might, were prepared to give the best and the last that was in them for their *alma mater*. Such a rising up to meet the occasion has seldom, if ever before, been witnessed. The team work of the fighting Gamecocks was wonderful, when their somewhat disordered appearance of the week before is recalled. The eleven warriors fought as one man with only one object in life, and that to demolish and annihilate entirely the eleven Tigers who faced them. In justice to Clemson, be it said, that she played a wonderfully fast and nervy game, displaying great team work, and it was just simply the fact that Carolina was playing Clemson—Clemson, their sworn blood rivals on the gridiron—that accounts for the remarkable defense of the University eleven.

The day, indeed, was great, but the game even greater. From the time that the referee's whistle sounded in the first half to the time that it blew at the close of the second half, the game was a continuous see-saw of punts up and down the field. Both lines stood like invincible, impregnable brick walls, being seldom pierced for gains. There was little individual spectacular playing. It was simply the greatest exhibition of team work ever seen. After nineteen minutes of play, Hanckel, for Clemson, got away for forty yards on a beautiful run through a broken field. Here the ball was carried over Carolina's goal for the only touchdown of the game. From then on it was from one side of the field to the other for both teams. The first half ended with the ball in Carolina's possession on her 20-yard line. At the end of the second half the ball was in Carolina's possession on Clemson's 30-yard line. To name Carolina's stars one would have to name the entire team; for after all the individual work is praised, it must be remembered that team work did the trick.



## SENIOR FOOTBALL TEAM

### OFFICERS.

A. B. ADAMS.....*Manager*  
H. L. IZLAR.....*Captain*  
J. H. HAMMOND.....*Coach*  
R. E. SEIBELS.....*Water Boy*  
MISSSES FINLEY AND SPIGENER.....*Sponsors*

### LINE-UP.

Gibson, Pennell, Dillingham.....*Left End*  
McGowan, J. ....*Left Tackle*  
Dantzler, Chapman .....*Left Guard*  
Fellers .....*Center*  
Kinard .....*Right Guard*  
Laird .....*Right Tackle*  
Klugh .....*Right End*  
Cohen .....*Quarter*  
Lumpkin .....*Left Halfback*  
Izlar .....*Fullback*  
Burney .....*Right Halfback*

### *Substitutes.*

Ritter, Adams, Ferguson.



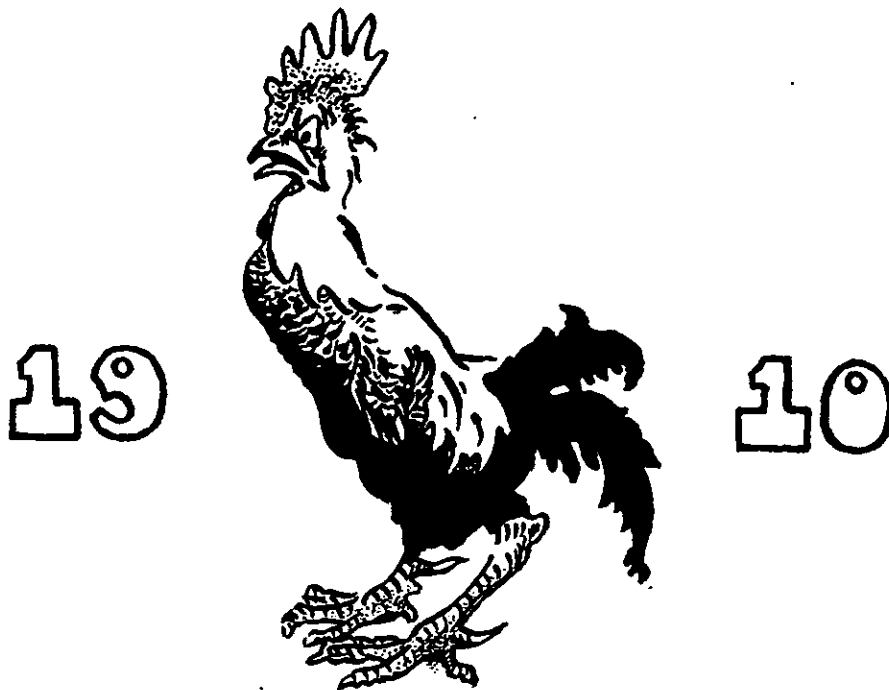
1911 CLASS TEAM



1912 CLASS TEAMS, CHAMPIONS

# OPPOSER'S EXH. 319

# THE GARNET AND

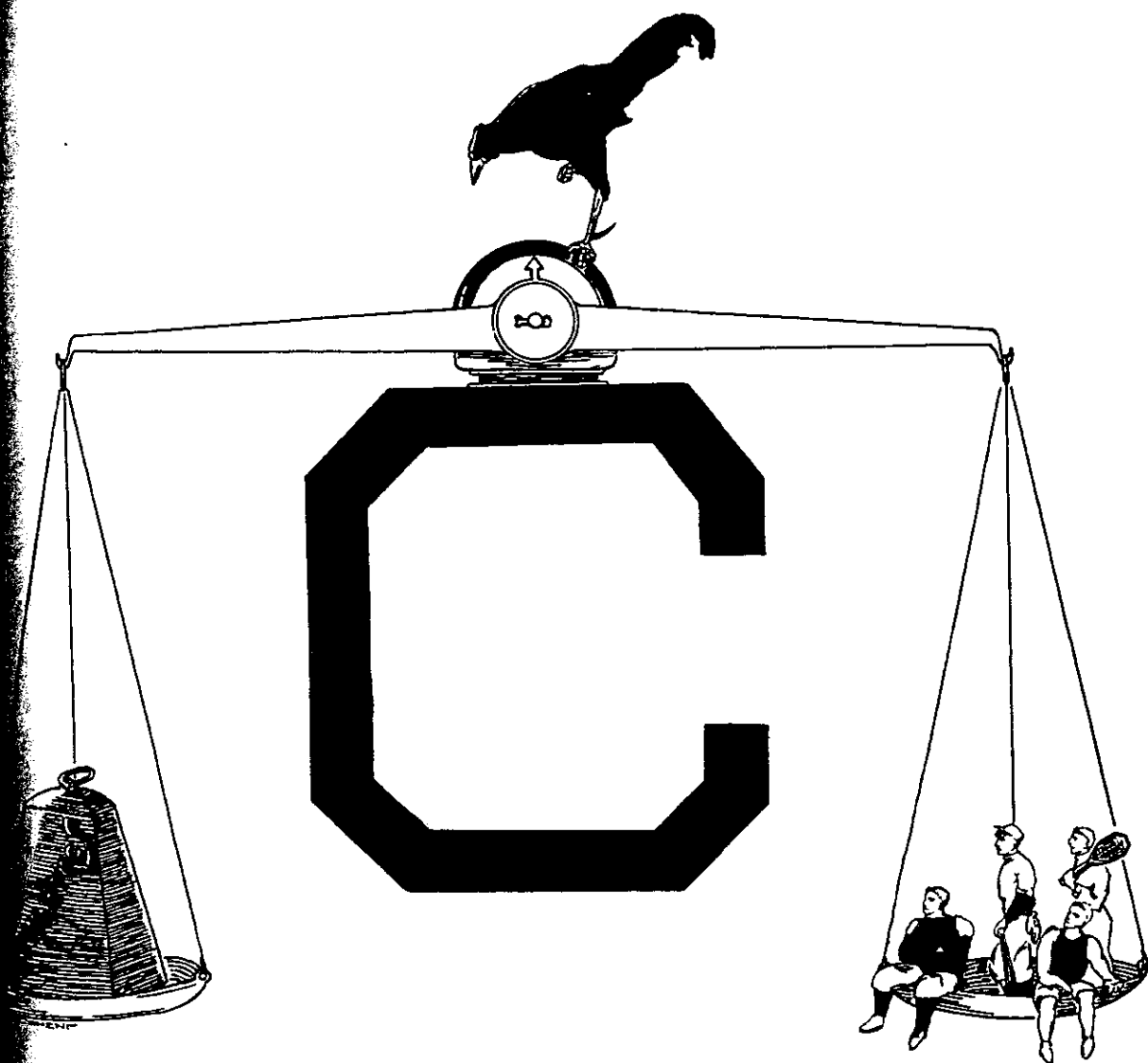


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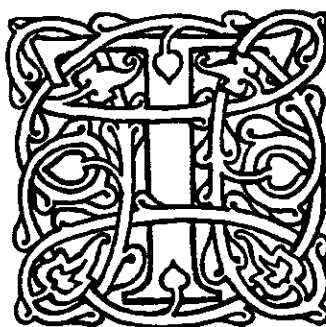
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 319, Pg. No.     

APPLICANT 02635



## Athletics



THE athletic record of 1910-11 has not been the success perhaps that many of us may have hoped for, but, although not crowned with glory on every occasion, we have certainly been successful. Such partial defeat as we have experienced has by no means been discouraging, but instead it has instilled a grim determination to strive for better success in the future. We are justly proud of our teams, and so nobly has each member of them conducted himself that our defeats were but "blessings in disguise."

On the gridiron Carolina has a record to which she points with pride and much gratification even though the football season has not been filled with glory and victory. We divided the number of games played into an equal number of defeats and victories. (The games won were: from Charleston College, 8-0; Ga. Med. College, 14-0; Lenior College, 33-0; Wake Forest, 6-0. Those lost were with Clemson, 0-24; Davidson, 0-53; University of N. C., 6-21; and The Citadel, 0-5.)

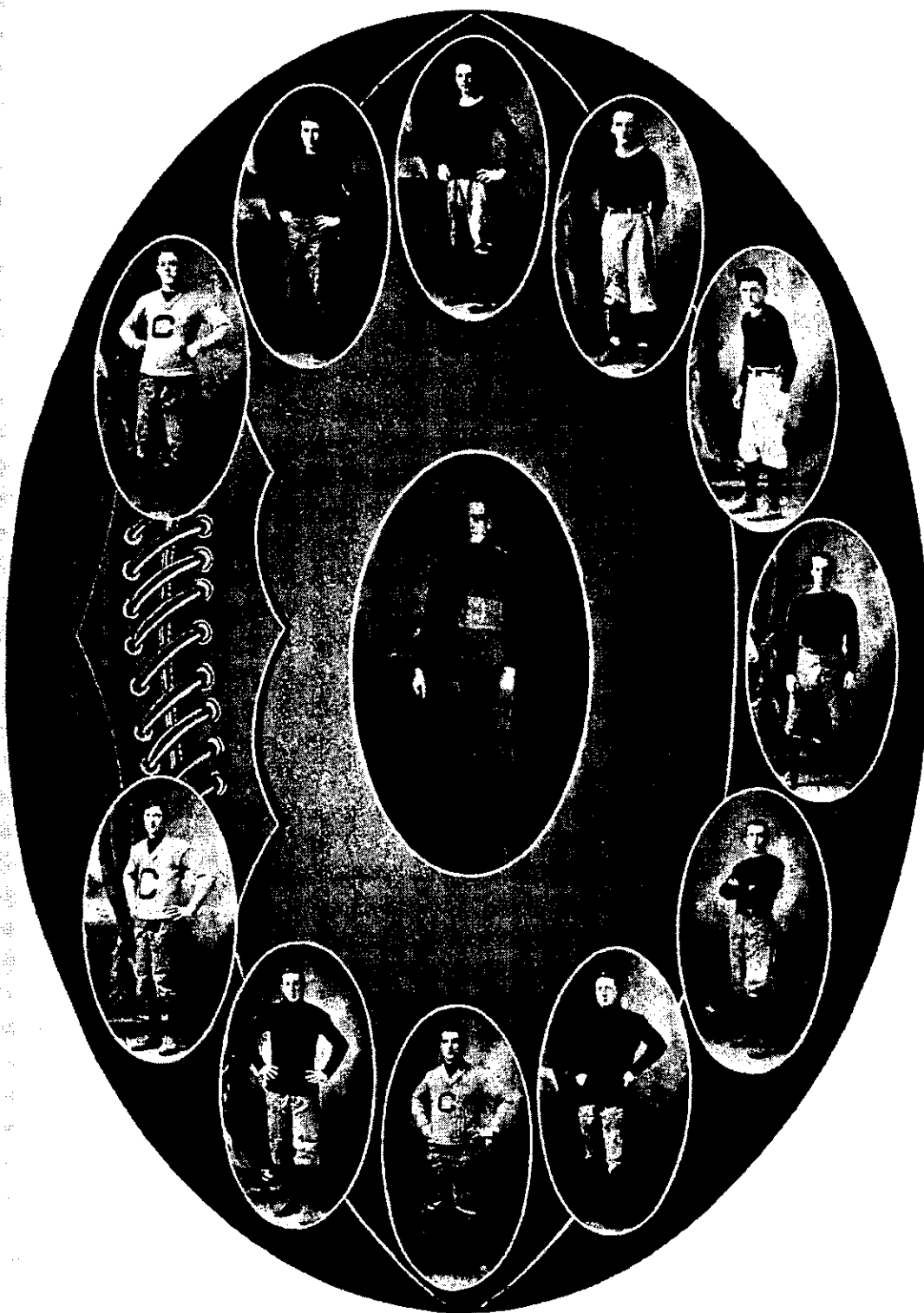
Much credit must be given to our painstaking and efficient Coach, Dr. Neff, to whom the degree of success attained, was in a great measure due.

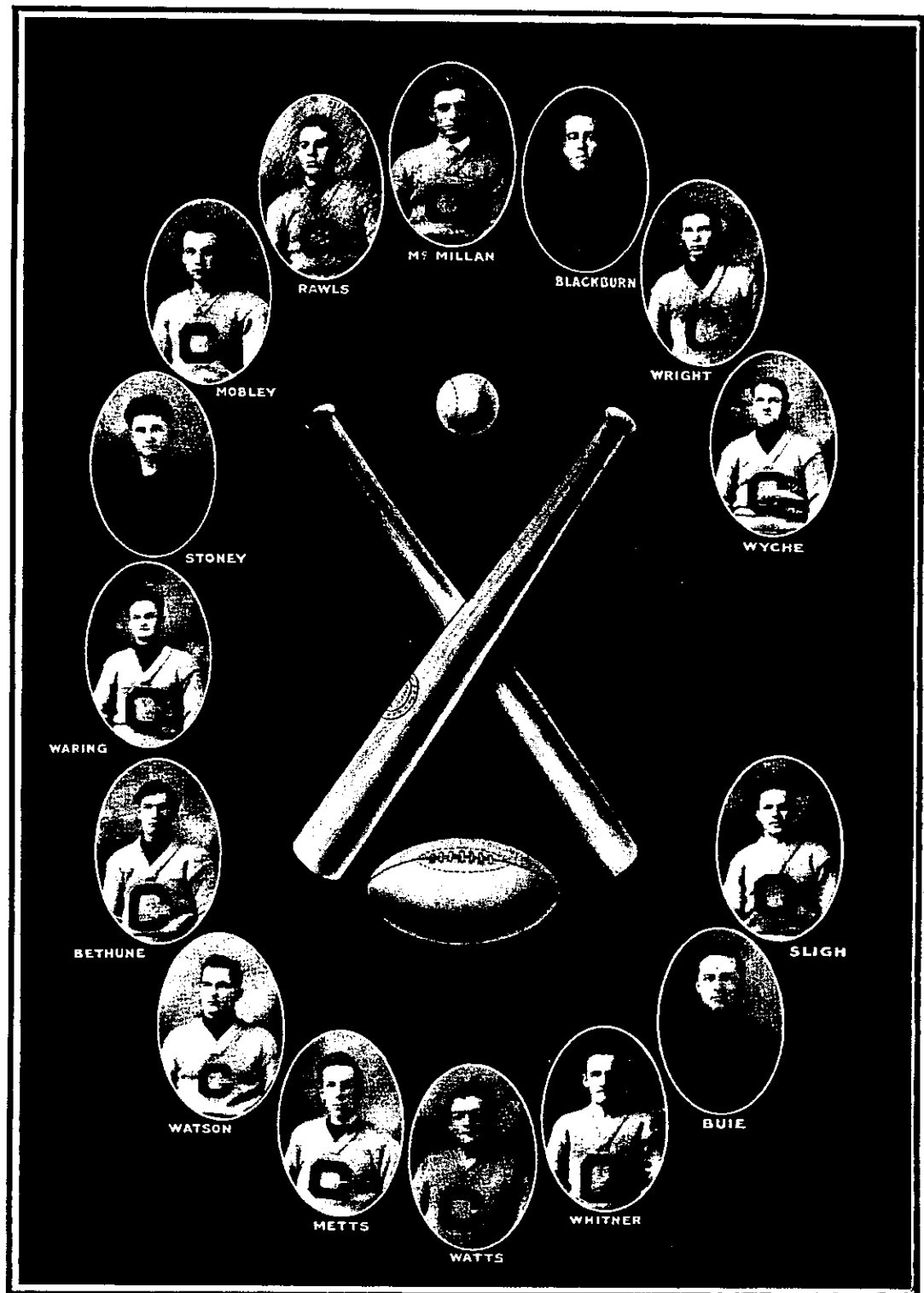
During the year much good material has been developed, which has been admirably shown in our unusually strong "Scrub" team and the athletic outlook on this field for the future is promising and encouraging.

The class games this year, both in football and baseball, have been exceedingly good, and much interest was shown. In football, especially, were the games hotly contested; four games were played without a score being made. This leaves the Trophy Cup unclaimed.

In baseball the championship game between the Sophomores and Juniors resulted in a victory for the Sophs. Class games aid very much by the spirit of rivalry that they create in arousing college spirit.

Last year much interest was renewed in track athletics. The State High School Meet was held here with the University as its originator. We are to have the boys with us again this year, and the institution of this annual meet, together with our own track work, should give this form of athletics a prominent and permanent place with us.





# *The "C" Men's Club*

## CONSTITUTION

### NAME

The name of this organization shall be "THE 'C' MEN OF THE UNIVERSITY OF SOUTH CAROLINA."

### OBJECT

The object of this organization shall be the furthering and promoting of all athletics and athletic interests at this university, and the exercise of whatever powers that may be granted it by the athletic authorities of this institution.

### MEMBERSHIP

The 'C' Men's Club shall be composed of all students of the University, who have won, and been granted by the Advisory Board, block "C"s, for football or baseball.

### OFFICERS

The officers of this shall be a president, vice-president, secretary and treasurer, elected at the first meeting of each collegiate year, which meeting shall not be later than October 1st, and shall be called by the ranking officer of the organization of the preceding year.

### MEMBERS

MOBLEY	METTS
DESPORTES	WHITNER
RAWLES	BUIE
BLACKBURN	McMILLAN
McNAIR	WYCHE
SLIGH	WRIGHT
STONEY	WARING
BETHUNE	WATTS
WATSON	WIDEMAN

# OPPOSER'S EXH. 320

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# THE GARNET & BLACK

VOLUME THIRTEEN  
1911



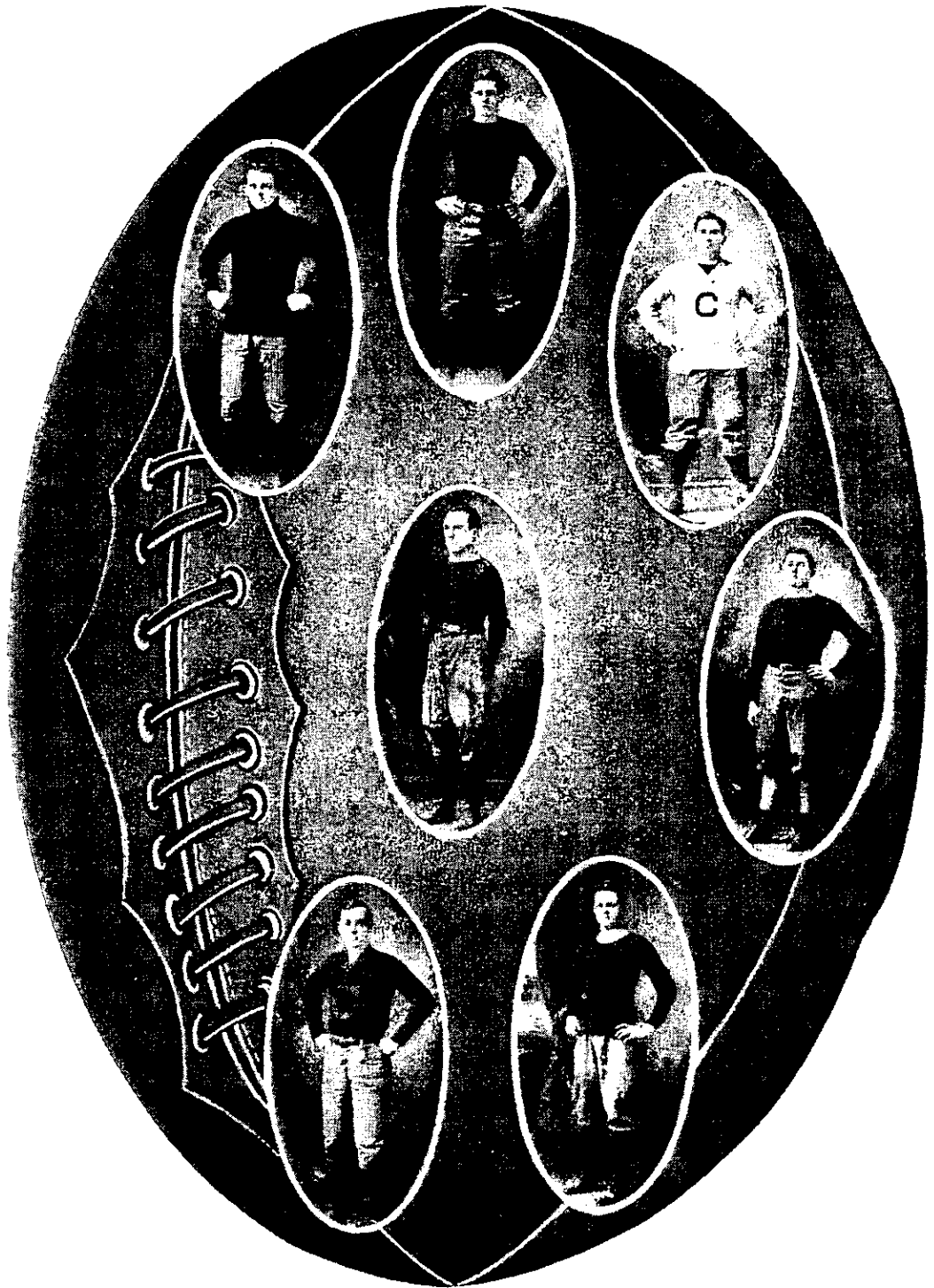
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University of South Carolina

COLUMBIA, S. C.

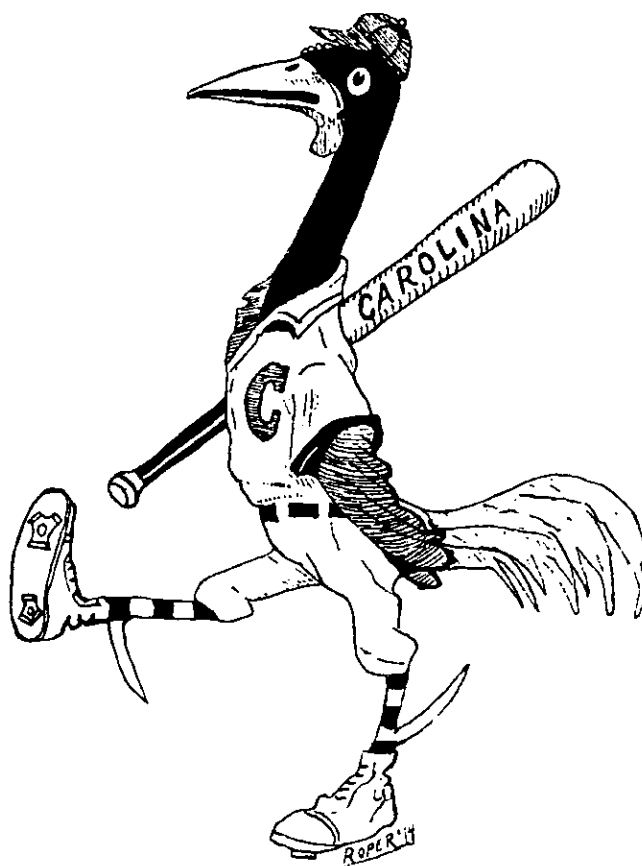
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Univ. Southern California v.  
Univ. South Carolina

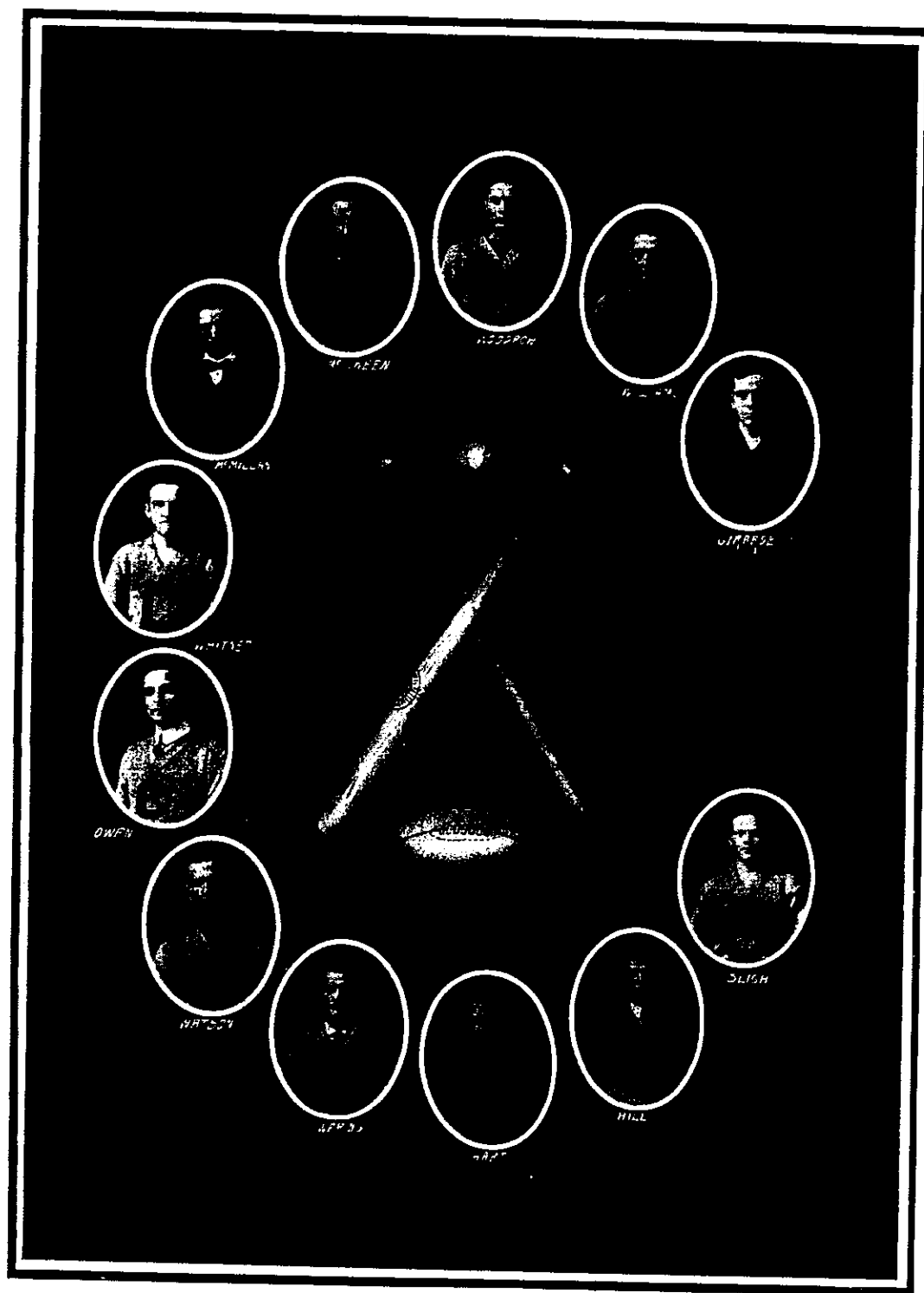
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APPLICANT 02641



APPLICANT 02642





"C" MEN'S CLUB

OPPOSER'S EXH. 321

# THE GARNET *and* BLACK

VOLUME FOURTEEN  
1912



Published Annually by the Students of the  
University of South Carolina

COLUMBIA, S. C.

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 321, Pg. No. \_\_\_\_\_

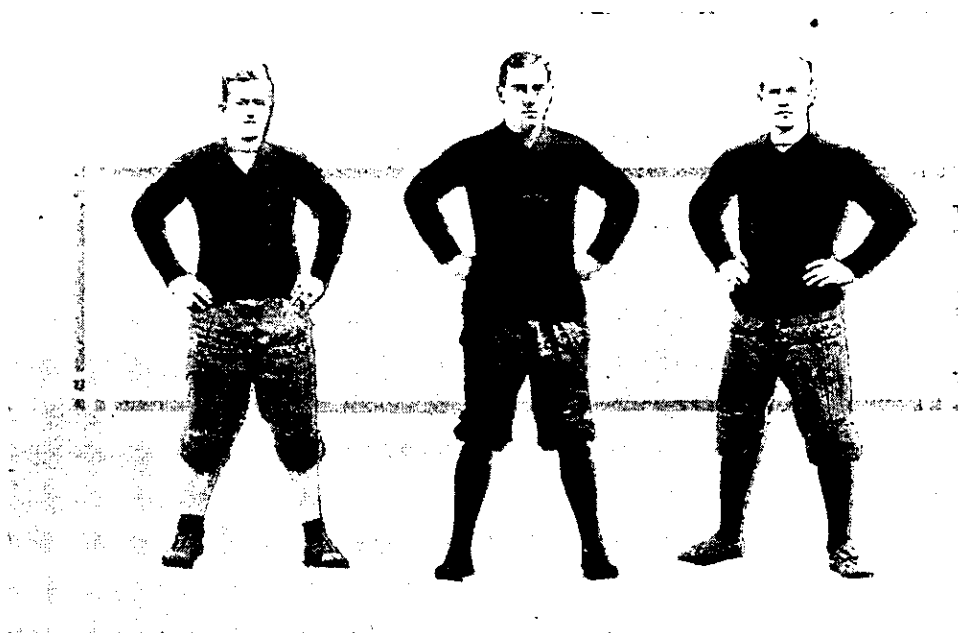
APPLICANT 02645



**T**EN YEARS before the Garnet and Black cohorts, animated by a spirit that had made their light teams famous in Southern football had swept past the heavier Purple and Gold line for a victory. Ten years before thirteen football warriors had gained the apparently undying fame of the football hero. Then came ten years, some of them blanks and some filled with disappointments. Time and again the Gamecock reared his steel-gaffed strength against the crushing weight of the gold-striped Tiger. Again and yet again the wiry warriors of the Garnet and Black had gone to earth under the fierce and skilful lunges of the Bengal beast. But hope, most prized ingredient of the human ego, and courage, sublime component of the great, persisted and each year had found the Gamecock eager for the fray.

Thus was the atmosphere electric on that warm fall afternoon of 1913, when the University of South Carolina brought forth its jerseyed hosts to combat against the purple-sweatered minions of Clemson.

Truly they had waited long for this day—alumni and students. The sharp rivalry of the early years had been worn off by the passage of much water: the early fires had sunk with the coming of a new college generation. The times had changed, but the spirit had changed only in degree; still, it



was the ambition of every follower of the University to write on the football sands of fame the glad message of a victory over Clemson.

Hope and courage; confidence and strength; certainty that the training of years was not for naught; knowledge that the plan of campaign was the world-old Anglo-Saxon battle line—these factors attained, the rest lay on the knees of the gods of sports.

The two elevens were supposed to be evenly matched; Gamecock more wiry, probably faster, sounder in its knowledge of the primal features of the game—Tiger heavy, though quick; a master at the intricacies of the forward pass.

As the game turned out, the prophets might well have foreseen had any one of them given close enough attention to the elemental differences. The Carolina coaches knew and a few of the alumni—the students and the rest hoped.

Thus, before a throng that filled the fair ground stands and overflowed along the side lines in a solid mass, the two teams came together for their battle. The Gamecock had his Sedan to avenge, his Marenga to remember; the Tiger his Zama and his Cannae.



Began then the fray, with the tenseness always notable in a football match between old rivals.

Before the spectators were aware, the essential differences between the two teams had cropped out. The Tiger had snapped his way around the Gamecock and had scored. The old, old story seemed about to repeat itself. But the close watchers had seen something in the Carolina attitude that boded ill for future Clemson welfare. A snap there was, a dash, a continuation of confidence. No mourning for the first rose that had fallen from the Carolina chaplet; only a desire to retrieve it there was.

Quickly came the opportunity: a few short, sharp rushes, and the Tiger stood at bay. The charge came on: a blunder by a purple-clad back and the oval rolled loose on the level sward. Then came the "break"—much written of by sporting writers—which decided the game once and for all. Billy Harth, fleet-footed and sure, snared the bobbing ball and set out for the opponents' goal. Once across, the victory was assured.

Early in the game the Tiger had shown his great weakness. Swept almost across the goal line, he had elected to run the ball out. This was at once the sign of lack of punting strength and the countersign for Carolina's



defense. Thereafter the Carolinians, observing that the enemy's long tom was spiked, were able to play as they would and smashed up the dreaded forward pass formations time and again.

Thus the battle, on Clemson's side, developed into a marvelously subtle attack, which crumbled when brought against the sweeping, rapier-like defense of the Garnet and Black.

Meanwhile the Gamecocks, holding their foe at a distance, had not been idle. To the left, to the right, to the left, to the right, flashed the sure swift attack, the plunge and the thrust and the sweeping run. Against this lightninglike series of plays the Purple and Gold was helpless; fighting desperately and tackling hard, the Tiger warriors ever found themselves driven back.

And, so, when vonKolnitz's toe sounded the field goal that gave the Gamecocks the lead, 10 to 7, there was never a doubt; the only question was what the score would be. The result, known to every follower of South Carolina football, was 22 to 7.

Were this an extended résumé of the game it might go on to the limit; it might tell how each invasion of the enemy's territory was developed and how it was delivered. Suffice it to say, it was Virginia football against Carlisle



CAPT. JOHN WATTS



## The Baseball Season

**H**ANDICAPPED by unforeseen misfortunes, the baseball team of 1913 fought bravely for the glory of the Garnet and Black, at home and abroad, and wound up the schedule with nine victories, nine defeats and a tie game. This tie, however, in spirit was a university victory, in that when the game was called by agreement at Rock Hill to allow Davidson to catch a train, the score was 2 to 0 in Carolina's favor, but reverted back to that of the seventh, 0 to 0.

Carolina had about the best team in its history. Starting with several members of last year's nine again in college, the squad was materially strengthened by the improvement of former members of the scrub team and by the addition of several new men. In all, the season can well be pronounced a success. Such blows as the loss of Mills in mid-season, the painful injury to Perritt's hand at Rock Hill, and the inability of Rudisill to be on the entire Northern trip, were disastrous to the team. At that, however, the men strove valiantly and finished the season with a just "Well Done."

Five members of the varsity are seniors, and their loss to the team will be hard to replace. Captain John Watts, Fritz vonKolnitz, Reddy Metts, Sam Owen, and last but not least, Tommy McMillan, bid farewell to Carolina. All of these, heroes of battles, will be missed and their places will be difficult to fill.





CAPT. ALLAN PAUL



APPLICANT 02653

# OPPOSER'S EXH. 322

UNIVERSITY of SOUTH CAROLINA 1913  
GARNET and BLACK



PUBLISHED ANNUALLY  
BY THE STUDENTS  
OF UNIVERSITY OF  
SOUTH CAROLINA  
NINETEEN -  
HUNDRED and  
THIRTEEN.

VOLUME XV.

COLUMBIA, S.C.

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 32 Pg. No.     

APPLICANT 02 654



## Varsity Football

### The Team

HILL . . . . .	L. E.
MILLS (Captain) . . . . .	L. T.
McTEER . . . . .	L. G.
STONE . . . . .	C.
WEHMAN . . . . .	R. G.
GOINGS . . . . .	R. T.
SLIGH . . . . .	L. E.
LANGSTON, VON KOLNITZ . . . . .	L. H.
HEYWARD . . . . .	R. H.
BOULWARE . . . . .	F. B.
McGOWAN . . . . .	Q. B.

### The Games

Virginia	53:	Carolina	0
Wake Forest	10:	Carolina	27
North Carolina	13:	Carolina	3
Clemson	32:	Carolina	0
Florida	0:	Carolina	13
Davidson	0:	Carolina	10
Citadel	13:	Carolina	42

### The Officers

JOHN D. MILLS, *Captain*  
N. B. EDGERTON, *Couch*

B. DAVENPORT, *Manager*  
LEROY DUNN, *Assistant Couch*

### The Squad

BRISTOW	HEEDEN	KRIDER	STONE, C. L.
HARTH	FARR	CRAWFORD	STONE, W. S.
PORTER	ENGLISH	HANNA	HANNAHAN
MARTIN	GREEN	EDWARDS	PERRY
LA BORDE	PAUL	ROBERTS	RICHARDS
HAMPTON	BROOKER	LAYTON	RODGERS
OWEN	WARING	EDMUNDS	McMILLAN
KOLLOCK	KERR	LA MOTTE	WILCOX
PERKINS	RUCKER	ANDERSON	SLAUGHTER
DUDLEY	WILLIFORD	SAYE	QUATTLEBAUM
COGGESHALL	O'NEAL	ADAMS	

VARSITY TEAM.





## Athletic Advisory Board

DR. A. C. MOORE, *President*

PROF. L. T. BAKER

PROF. F. H. COLCOCK

LEROY DUNN

PROF. J. B. COLEMAN

W. C. MCGOWAN

DANIEL HEYWARD

JOHN J. SEIBELS

## Managers

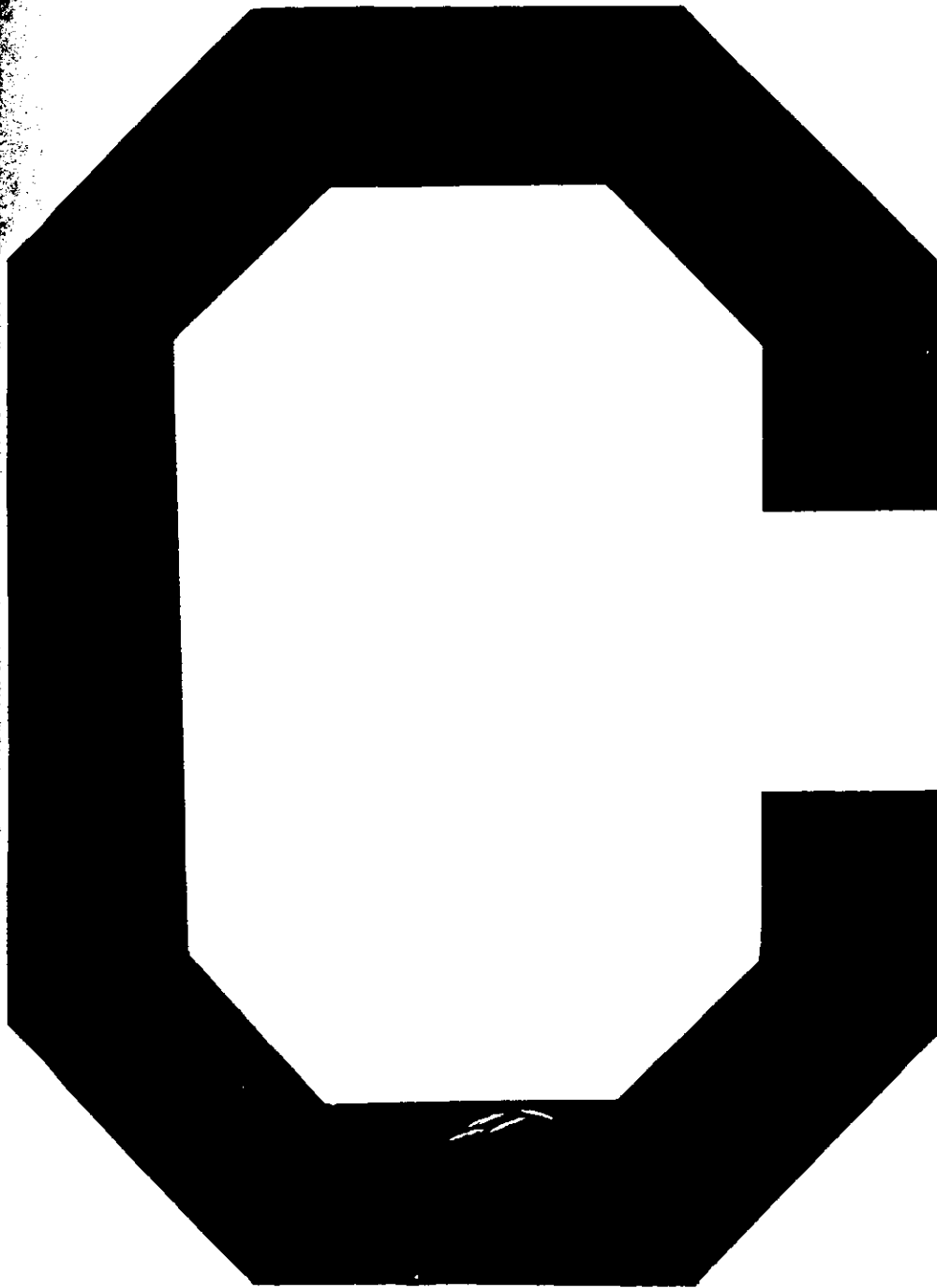
B. DAVENPORT, Football

S. L. LATIMER, JR., Baseball

LUTHER HILL, Track

H. E. DANNER, Basketball







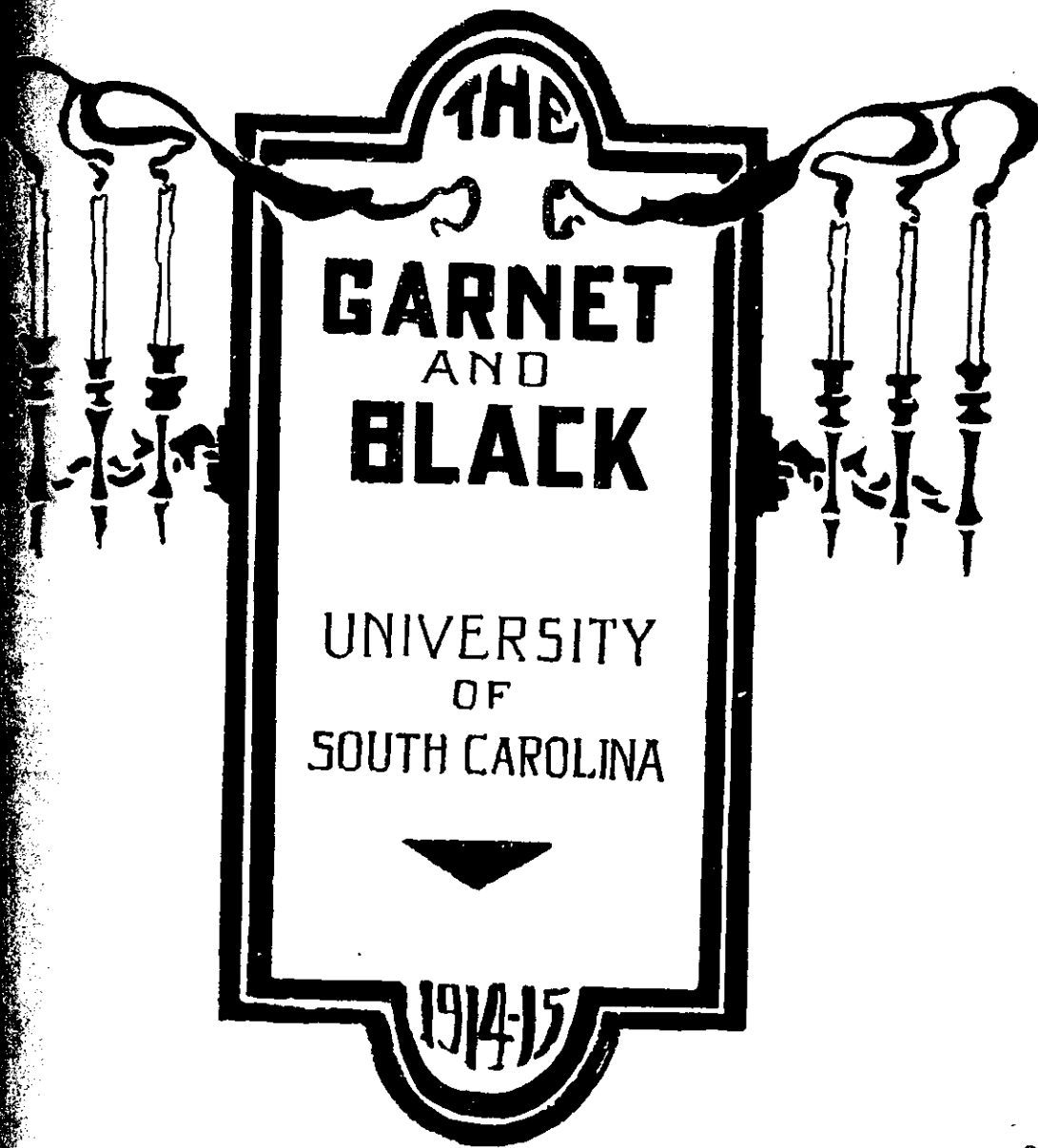
APPLICANT O2659

This is the sixteenth volume of the  
**Garnet and Black**  
a year book  
published by the students  
of the  
University of South Carolina  
1914

APPLICANT 02660

55401

OPPOSER'S EXH. 323



Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 323, Pg. No.     

APPLICANT 02661

48648

## Carolina's Day

*Words and Music by Reed Smith  
Arranged by Philip S. Gilman*

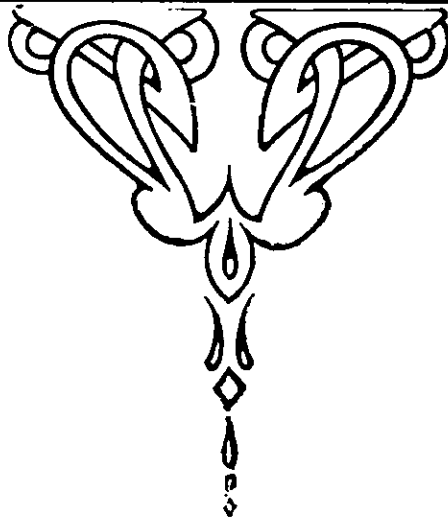
Carolina, here's to you, Carolina, you're true blue;  
You're the best old college for to get your knowledge,  
And you bet we're strong for you, Rah! Rah!  
Carolina plays the game, Victory's our other name,  
So it's fight, fight, fight, for we win to-night,  
And it's Carolina's Day.

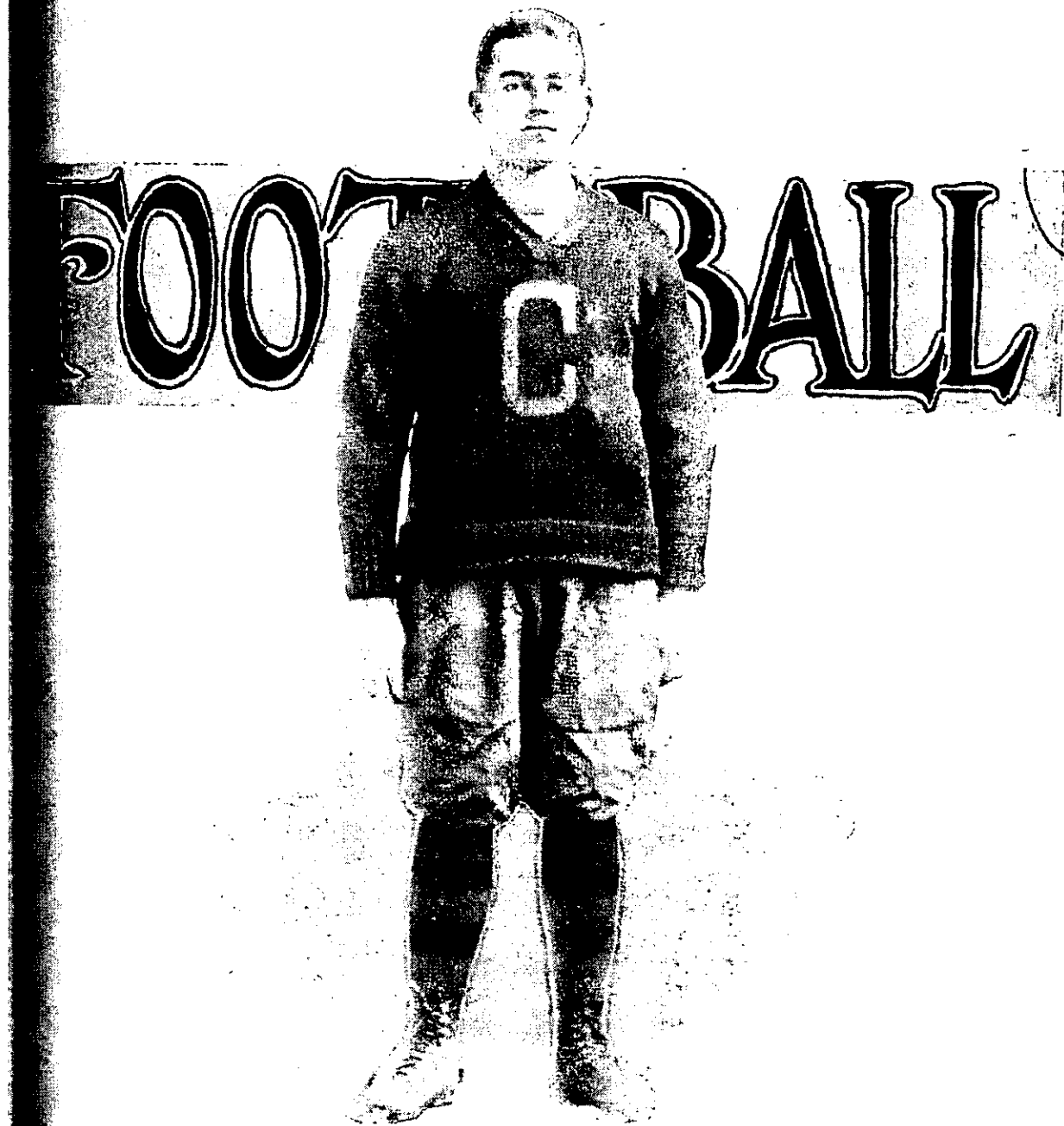
Carolina, here we go, listen to the Gamecock crow,  
What it takes to win the game, we have got it, it's a shame  
How we'll romp on their ding dong, Rah! Rah!  
Are we in it? Well, I guess. Carolina, yes, yes, yes.  
So it's hip—hooray, for we win to-day,  
And they can not head us now!

Hear the Clemson Tiger roar! He is growling loud for gore:  
He is eager for the fray, but he'll get his to-day,  
For the Gamecock's feeling right, Rah! Rah!  
Carolina, eat 'em up, Carolina, beat 'em up.  
Oh, we'll twist the Tiger's tail! Ride him home upon a rail!  
For it's Carolina's Day.

# ATHLETICS

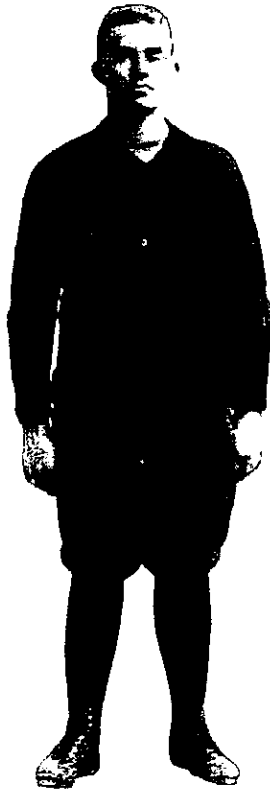
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# THE GARNET & BLACK

## Football Season of 1914



Judged solely by scores South Carolina's 1914 football season could not be called an entire success. But the scores, from the point of view of the truly enthusiastic follower of the game, are far from constituting the entire results of an autumn's play. In other directions—in lessons learned, in development of a system which promises well for the future, above all, in the great spirit displayed by a team sometimes overmatched but never outgamed—in all these the year 1914 will take high rank in the football annals of the *Garnet and Black*.

The team labored under the handicaps of frequent injuries and resultant shifts in personnel, but throughout, and especially after the Clemson game, where it seemed to find itself in the last half, there was evident the feeling that it is not so much whether you are dead, but only, "How did you die?"

And this, continuing into the next season, is bound in the end to bring the victories that cap the sheaves of toil and courage.

Nor was the season wholly devoid of the more material and tangible rewards in the form of touchdowns and victories. A pretty play netted a touchdown against the University of Virginia, though the Gamecocks were badly beaten. The touchdown against Clemson will be

long remembered by observers as a rally such as beaten team has rarely been able to make against an organization which overtops it in force and power.

Five victories and five defeats the roster contained, with one tie. The Machinists' Mates, Wofford, Newberry (in the second game), Wake Forest and the Citadel were beaten, while Georgia Tech, University of North Carolina, University of Virginia, Clemson and Davidson were victorious against the *Garnet and Black*.

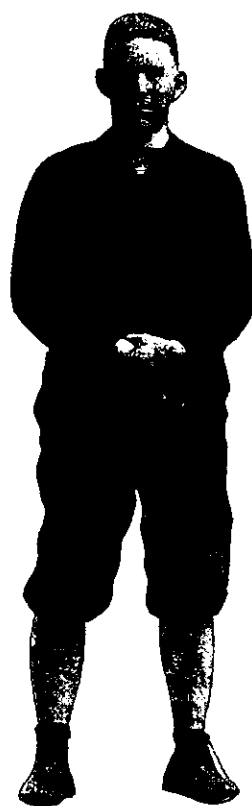
That is by no means a bad record for a team undertaking to meet an exceptionally hard schedule and striking unexpected tough luck at various points in its career.

Individually brilliant performances were many; heroes too numerous to name in detail. In a season of ups and downs it is inevitable that many men must shine at various points and suffer eclipse at others. Suffice it to say that each man who wore a Carolina uniform may pick out bright spots in his game and truly say to himself: "I did my best—and it was not so darned poor."

Conspicuous among the season's real stars was Stoney, who played a wonderful defensive game in the line at guard, tackle and center, dropped back and threw the forward pass to perfection, ran the team at times from quarter back position and acted as captain during the disability of the regular incumbent, Capt. Luther Hill, who reached top form at end despite a crippling accident in the North Carolina game, and "Bub" Langston, frail but indefatigable, at half back.

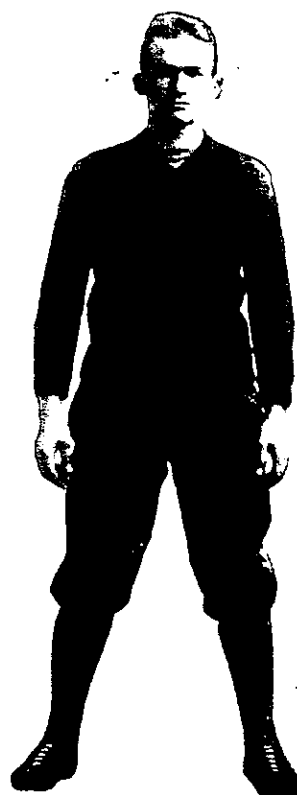
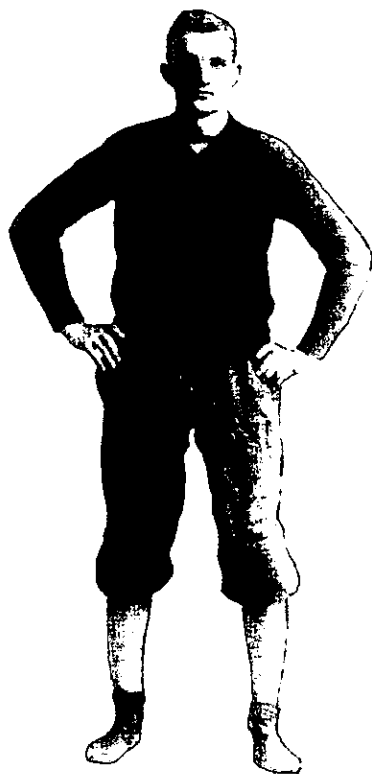
# 1915

REGARDING BLACK



1915

NGARNEY & BLACK



1915

# GARNET & BLACK

Heyward's work, too, and Girardeau's good line play, were notable, as was that of McMillan, a new man, who starred at tackle.

The team got off to a poor start, its first game finding it unprepared for any gruelling contest. Weather and late opening of the University had conspired to make Coach Edgerton's task of the hardest and most thankless nature. He was forced to send in an unco-ordinated squad of some natural ability and much latent power. The team managed to win its first game, that against the Machinists' Mates' School of Charleston, by a comfortable score—30 to 7—though the navy boys displayed better football and more strength than had generally been credited to them.

The Gamecocks then opened their regular collegiate season against Georgia Tech in Atlanta, the Georgians winning by 20 to 0. Though still a relatively untried combination, the Carolina team gave some evidences of the power which it showed later in the season.

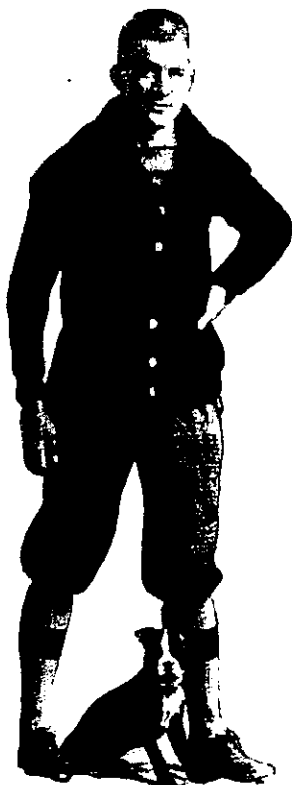
Then came the contests with the mighty North Carolina and Virginia teams,

which resulted in defeats for the Gamecocks and in the crippling of some of the *Garnet and Black's* best warriors. The touchdown against Virginia was some consolation for the losses, which were aggravated by the disabling of Luther Hill, captain and stellar end. The effects of these two hard games in succession were evident in the succeeding contest with Newberry, where the Carolina machine was plainly out of kilter, to such an extent that only by risking his injured veterans could Coach Edgerton pull the contest out of the list of defeats and get a tie, 13 to 13.

The Clemson game, capping the climax of the season, was next in order. As usual Bob Williams had his men trained to the minute, quick to take advantage of every opportunity and excelling in sound tactics. These factors, with the natural skill of the Tiger aggregation, were more than a match for

the gallant play of the Carolinians, whose every effort proved unavailing to stop the speedy assaults of the Clemson team.

But few who watched that game, whether they cheered with the Tiger or mourned with the Gamecock, will ever forget the sudden rally which for a few moments threatened to take the Tigers off their feet and either win the game or retrieve defeat by making the score close.



# 1915

# THE GARNET AND BLACK

Well toward the close of the game—about the end of the third quarter—there came a change.

Close observers sensed it as the beaten Gamecocks flung off the tradition of "straight football," opened out and began to prosecute a campaign of the most dashing forward passes. By this time the game had seemed hopeless, the *Garnet and Black* regulars were gasping on the sidelines or limping into the plays with only nerve to supply the place of vanished strength and suppleness of limb. The Tiger aggregation had grown by what it fed on, and seemed wholly impregnable to ordinary assault.

Suddenly, however, the battered legions of Carolina were changed. Throughout they had been struggling with the tenacity of the English squares at Waterloo, shot to pieces but yielding never an inch—powerless to go forward but equally determined not to retreat.

Now there was a spring, a recovered elasticity of bearing, and the reinspired cohorts swept down the field. Straight across the Clemson goal they carried the ball for a touchdown.

Then it was back to midfield and kick-off again, and the Gamecocks charged anew. A second time they rushed the ball to the Clemson line, but this time they lacked the strength to push it over. The ball was lost and the Tigers punted out of danger. Once more the Gamecocks flung themselves upon the foe, calling for quick work. But the hands of the clock were able to stem an attack that would have proved irresistible to almost any team just at that time. All too soon the last quarter ended with the game Clemson's, 29 to 6, and with the Carolinians bitterly praying for more time in which to win.

That spirit, exhibited in the closing moments of a lost game, from then on became the most prominent feature of the season.

It swept the Gamecocks to decisive victories over Wofford and Wake Forest, in both of which the team showed much of the fire and dash of the dying moments of the Clemson game.

The Methodists, a band of chivalrous and hardy foes, though lacking in weight and experience, went down by 25 to 0, the Gamecocks' play being too much for them.

Wake Forest, next in order, shared the same fate. The Carolinians' power became more and more evident and their mastery of the forward pass more notable. The North Carolina Baptists were unable to check the fierce line plunges, the fast runs and effective forward passes which at this stage made up the repertory of the Gamecock football warriors. The score, 26 to 0, does not fairly indicate the margin of superiority, which was cheering to *Garnet and Black* supporters.

Then came the heart-breaking contest of the season, the game with Davidson, which went to the Presbyterians, 13 to 7. The field, literally, was a sea of mud, and the rain which fell throughout, with the clouds lowering above, was all but fatal to Carolina's style of play, which depended principally on fast running and accurate throwing of the forward pass.

The Davidson attack, less handicapped by the weather, was good enough to pile up two touchdowns to Carolina's one, when the game was called by the referee on account of darkness. Still, Carolina was able to derive satisfaction from the hard fight its team put up all the way.

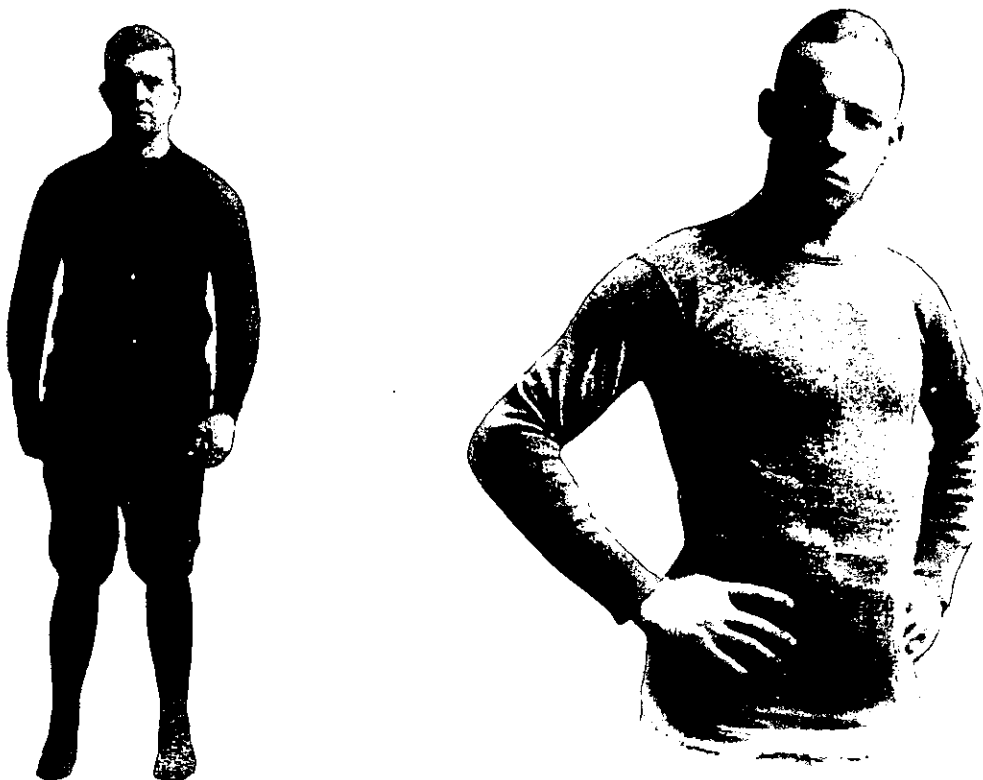
# 1915

# GARNET & BLACK

Newberry College, met for the second time, found the Carolinians again moving at a fast clip. This time Newberry was no match for the speed and precision of the Gamecocks, who piled up 47 points to six for the Indians.

The last game of the season—the Thanksgiving day contest with the Citadel, traditional Turkey day rival—was a disappointing surprise to the Gamecocks, though the *Garnet and Black* won the game. The victory by the closest of margins—7 to 6—was not nearly what had been expected. But the closeness of the score was due, not so much to ineffectiveness on the Gamecocks' part as to a marvelously unexpected showing by the Citadel, which, for the first time, put its full strength in the field. The Gamecocks and their supporters may well be satisfied to have won at all from so skillful and hard fighting an aggregation as the Battery cadets.

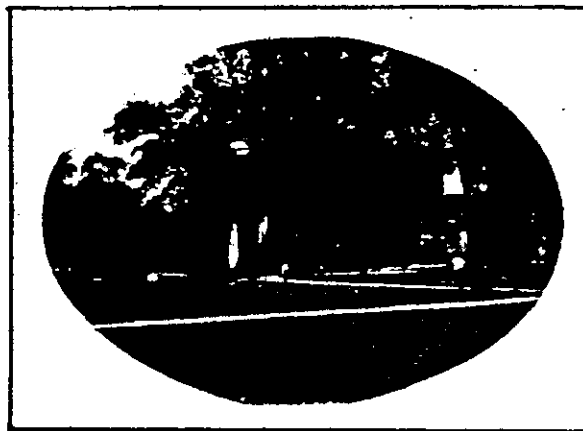
So closed the season of 1914, a period which had brought out only a moderate degree of the success that is counted in points, but a good deal of the less tangible stuff which makes for college spirit and the true satisfaction of the good warrior.



# 1915

OPPOSER'S EXH. 324

# THE GARNET & BLACK 1916.



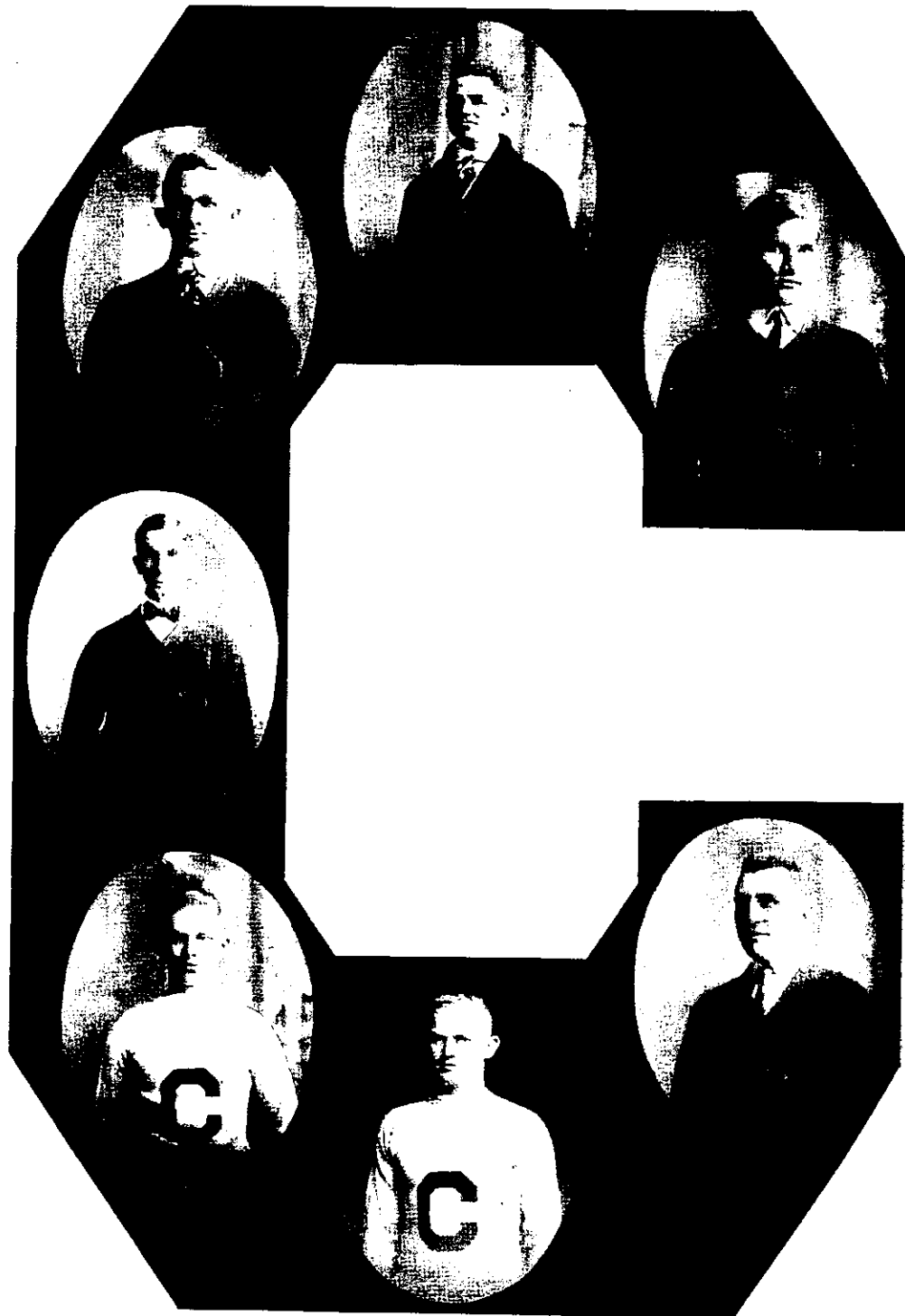
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South Carolina.  
VOLUME XVIII.

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

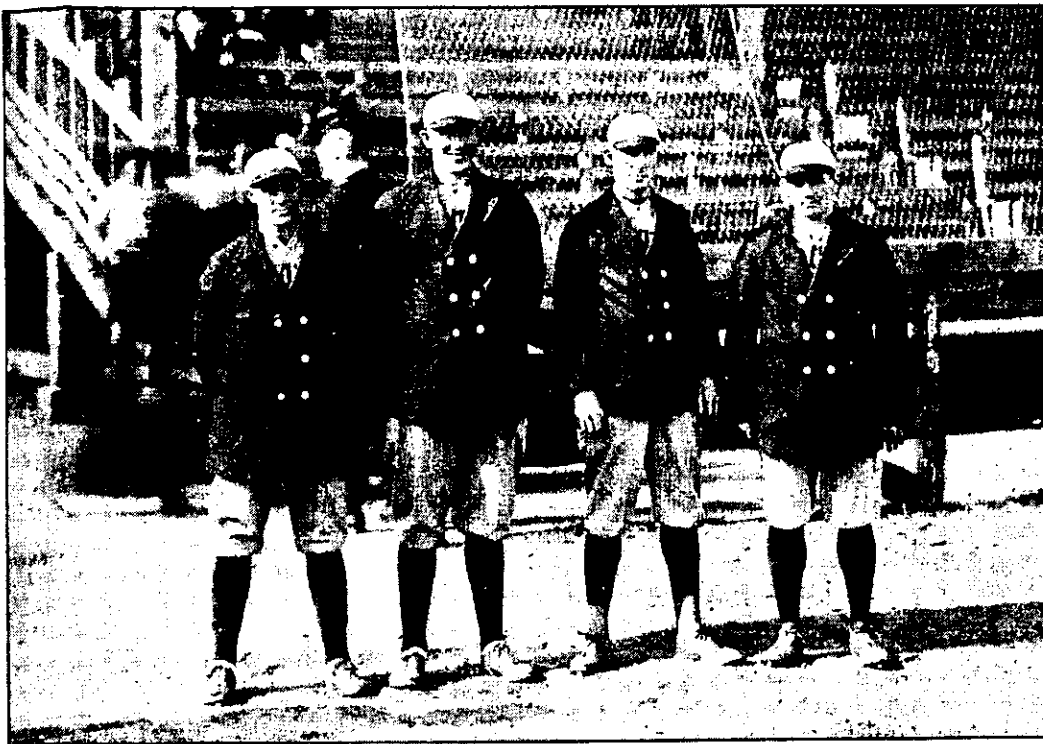
Opposer's  
Ex. No. 327, Pg. No.     

APPLICANT 02671





APPLICANT 02673



## Baseball Squad

S. BLATT ..... *Manager*  
M. L. ADAMS ..... *Captain*  
W. CLARKE ..... *Coach*

+

### TEAM

BARKSDALE } ..... <i>Catchers</i>	SIMS, L. .... <i>Second Base</i>
SIMRILL } .....	CLARK ..... <i>Third Base</i>
	CHANDLER ..... <i>Shortstop</i>
ADAMS } .....	ELLZEY } ..... <i>Left Field</i>
NEWTON } .....	SEABORN } .....
MARTIN } .....	
WATERS } ..... <i>Pitchers</i>	BROWNING } ..... <i>Center Field</i>
SIMS, C. } .....	MARTIN } .....
WARING, C. } .....	
HORTON, C. E. .... <i>First Base</i>	SNIPES } ..... <i>Right Field</i>
	WARING, R } .....



## Carolina Leads in Tennis

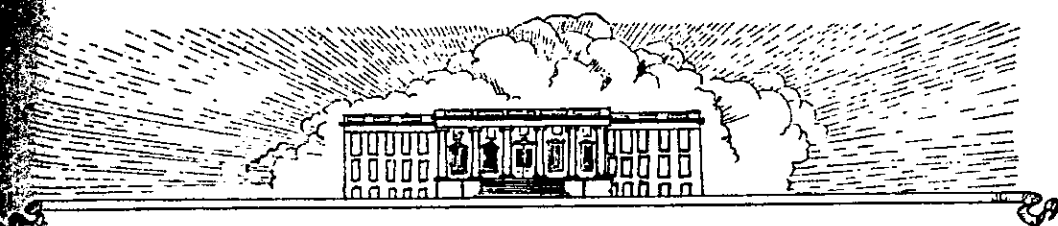
**S**INGLES—Carolina has been a winner in tennis circles for a long time, but last fall a star of unusual radiance came into view. This star is Lana Sims. Sims played a masterful game of singles at the South Carolina State Tournament, held in Spartanburg last October, winning the State Singles Championship by accurate and at times brilliant playing.

**DOUBLES**—At this tournament, Carolina was represented in doubles by Shannon C. Wallace and Lana Sims. The Gamecocks played up to the finals without losing a single set, meeting Wofford, and thus getting into the finals. These were played between Erskine and Carolina. The Gamecocks took the first two sets with comparative ease, showing teamwork far superior to that of their opponents. In the third set, the Erskine two rallied a bit, and took the set from under the wings of the Gamecock. Then came the last set, probably the most exciting, which was won by Carolina, giving her the championship. Many points were scored by clean strokes. Wallace's service and Sims' low-net work figured extensively in the Gamecock's victory.

At the State Tournament, Carolina won the singles cup, and defended the doubles cup successfully. The two medals offered were also won by Carolina's representatives—the singles medal going to Sims, and the doubles to Wallace.

Interest in Tennis has grown very rapidly during the past year, and is running high in anticipation of the spring tournament, which, in numbers participating and in quality of playing, promises to be an important event.

The officers of the Association at Carolina for the year are: Shannon C. Wallace, *President*; W. C. Mann, *Secretary-Treasurer*.



## RENEWED ACTIVITY AMONG CAROLINA'S ALUMNI



LOYALTY has always been the watchword of Carolina's alumni. But due to one cause or another, perhaps more to lack of leadership, for the past several years there has not been such active work among the alumni as they themselves and their *alma mater* have wished.

Feeling the need for someone to take the initiative, a group in Columbia formed the first "Carolina County Club." So much interest was evinced from the first that the idea spread, and at a notable dinner given at the Jefferson Hotel in January the Associated Carolina Clubs, with representatives from every County in the State, pledged themselves to active service for the University. If the spirit of that occasion could be pictured in print, no question of either loyalty or activity could ever be raised.

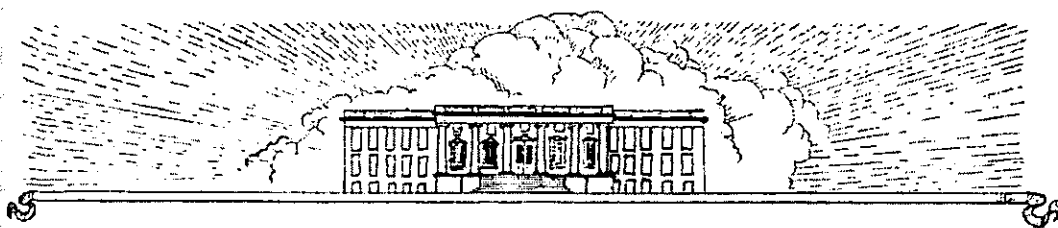
At this writing it is impossible to forecast just what forms of activity will be undertaken, but all who are interested in the future of Carolina may feel assured of a deep interest by the whole body of alumni, who are looking towards its development with a breadth of vision not heretofore experienced; having regard, however, at all times to the history and sacred tradition of the past and present.

In the field of athletics the alumni have taken a definite stand along with the student body for the maintenance of the strictest code observed by any institution of the South. To that end an advisory coaching board has been established, consisting entirely of old Carolina men, who cheerfully give their time without pecuniary compensation. In addition to this, substantial financial assistance is given for the employment of expert coaches.

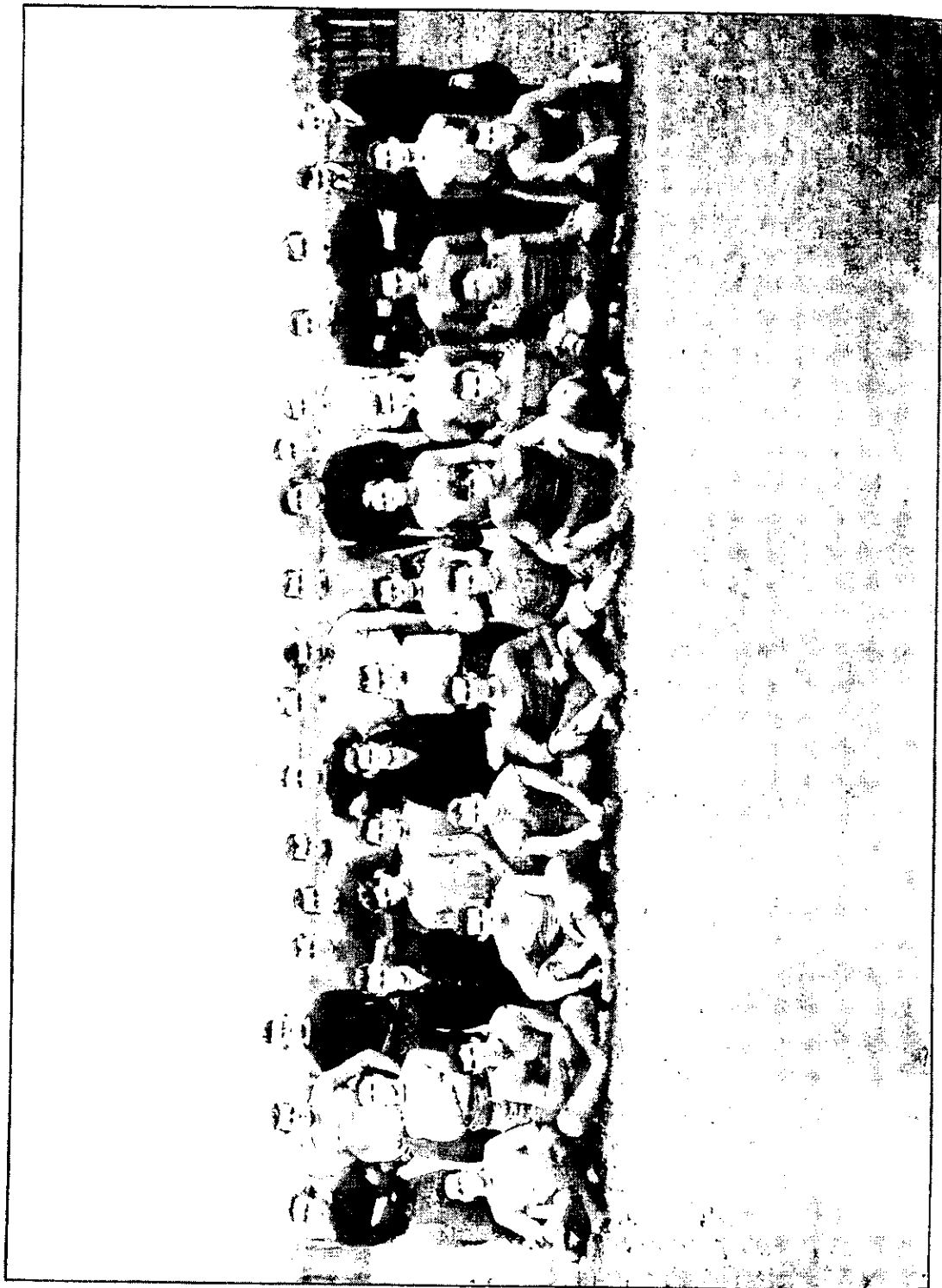
A further plan which has been adopted by the Associated Clubs is to look after the University alumni attending any considerable gathering or convention. An illustration of this hospitality was the delightful smoker given by the Carolina Club of Richland County to the alumni among the officers and men in the Second South Carolina Regiment on their return from service on the Mexican border. This smoker was held at Flynn Hall and was well attended by several hundred of the Richland alumni and by about seventy-five members of the South Carolina Regiment.

There is a decided feeling at this time (March 15th) that the rumor which has cropped out once or twice of a building to be erected by the alumni will be a realized fact by the time the next annual dinner is given.

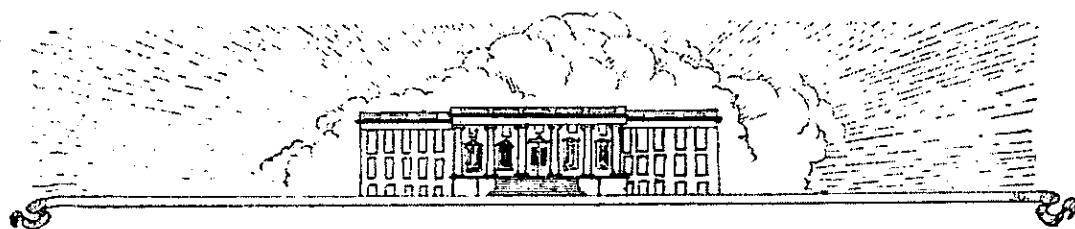
It's C-A-R-O-L-I-N-A now among former students as never before in our history.



M. K. McMILLAN  
FOOTBALL CAPTAIN



VARSITY FOOTBALL SQUAD



## 1916 FOOTBALL SEASON

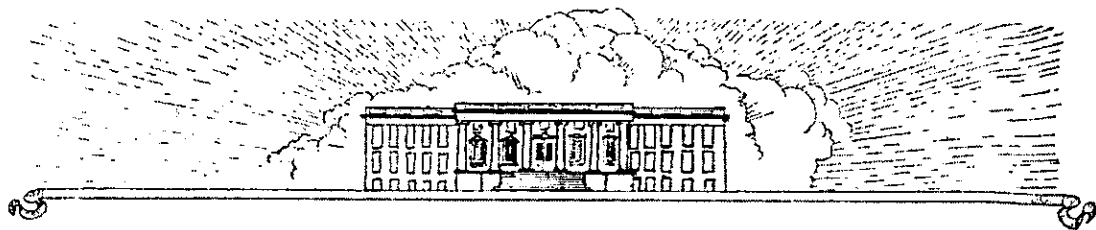
The 1916 football season marked a definite achievement for the University of South Carolina, for, while from a standpoint of games won, the pigskin year was not a howling success, from an angle of helping the institution's athletics it was of untold value. For years Carolina felt that a distinct tightening of the eligibility rules was necessary. Even the rules of the S. I. A. A. were not the close-fitting regulations wanted by the State University. The Southern Conference of State Universities, organized in Columbia several years ago, adopted requirements of a very high type, different in many details from the other organization, including a one-year rule for all athletes, beginning with the football season of 1916. Carolina joined both bodies, and among these two and the University's own restrictions of scholarship and class attendance, the 1916 team faced a double-barred, rock-ribbed set of rules which only the pure athlete could pass. Such a season was necessary for better athletic conditions at Carolina. The Carolina man who looked ahead knew that the first season of the one-year rule would be an ordeal for the team which drew the hardship.



sets of regulations, with the team shaken up for practically every game, because of this and that

The 1916 team deserves praise of its work, for if ever a Carolina team fought under a handicap, this eleven did. But in the seasons to come, when greater teams will win victories on the field for Carolina, and the University's strict requirements are a source of much pride, the 1916 team can truly share in the honors and feel deep in their hearts that they sacrificed themselves for their beloved alma mater.

Forgetting the past, letting by-gones be by-gones, the Carolina man looks with renewed hope to the future. He sees the best prospects the University ever faced. The old system of playing under a thousand and one different



requirements by this and that institution, has passed. Carolina no longer bows to the will of everybody else. In the past often colleges of inferior standing dictated the rules of the game, because Carolina could offer no tangible evidence of something better. The old story of building a new team before each Clemson game is another farce that has been discarded. Henceforth if a Carolina man is eligible for one game he is eligible for all. This was the case last fall, and many a Carolina man chuckled with hearty glee when Clemson was forced to eliminate its freshmen from the Fair Week game. So the good of the new situation is already effective.

In Rice Warren, M.D., Carolina had one of the best of Southern coaches, and in John Mills and Luke Hill, both former Carolina stars, Dr. Warren had most able assistants. In Dixon Foster, the new head coach, the Carolina Freshmen had a capable instructor, whose work is best shown in the success of his team. When Dr. Warren did not apply for re-election, accepting an offer at Virginia Military Institute, Mr. Foster was elevated to the chief of staff position, a well-earned promotion. Carolina men have confidence in his ability and expect him to win games.

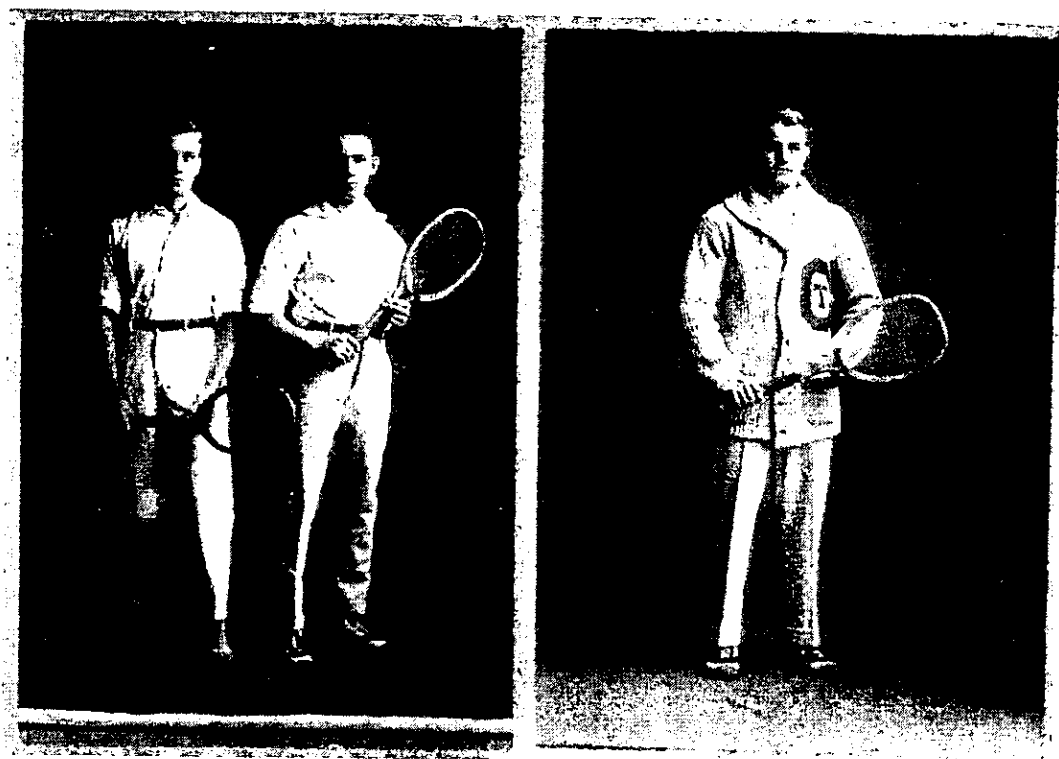
The 1916 season started badly with a defeat by Newberry College, but be it said for Newberry and for Jimmy Driver, that the Newberry team was a worthy foe. It rocked along—not



merrily—until the Tennessee game, when a good showing against one of the South's best elevens gave encouragement and hope for the Clemson struggle; but the Carolina team lost the classic battle, and another Carolina-Clemson game passed into history with the victory on the wrong side. Virginia ran up a large score; Furman won its game; Wake Forest, mainly through the efforts of a young man named Harris, defeated the Gamecocks; Carolina beat Wofford and Mercer, and completed the year with a lost contest to the Citadel. It was a hard year, but it had to come, and with it over, a sigh of relief was given and a good work done.



WEARERS OF THE "C"



## TENNIS

Tennis in the University is oftentimes spelled L-A-N-A S-I-M-S. A few years ago he was a youthful David slaying Goliaths with a racket for a sling; now, he is a Goliath only, he keeps the same old sling.

Ye Scribe went around to interview the aforesaid "Lana K." and found him communicative on only one subject—girls. So we called on some of his "girls" and learned the following:

"Sims has very long and efficient arms and plenty of speed, which more than compensate in tennis, as in other matters, for his moderate stature. He has very winning ways—in fact, he won the intercollegiate singles championship of South Carolina. This came about in straight sets, 6-1, 6-3, 6-2, at the last annual tourney in Greenville on October 21, 1916. Sims is President of the U. of S. C. Tennis Association and singles winner of our own last Fall Tournament."

With Sims to the Intercollegiate went Hagood, present Secretary and Treasurer of the U. of S. C. Tennis Association; and Vaux and Kohn. The two last named, winners of the local Fall Doubles Tournament, gave a good account of themselves in the Intercollegiate.

In anticipation of the schedule Spring Tournaments, when the sun shines genially on our four excellent tennis courts, most any day you can see men's doubles or singles in progress and a "pep" displayed that attracts an interested crowd. Sometimes there may be seen the sedate Senior and the cute co-ed, in medley doubles with a plentiful display of "mustard;" ditto, spectators.

We are going after the doubles as well as the singles championship next year. There are plenty of "comers," old and new, to step in and uphold the previous laurels won by Carolina at the tennis game.

OPPOSER'S EXH. 325

GARNET & BLACK



UNIVERSITY of  
SOUTH CAROLINA.

To a Re-awakened and Reunited Alumni Spirit

The Brightest Promise of Carolina's Present, and the Fairest  
Prophecy of Her Future Greatness, This Volume  
of the Garnet and Black  
Is Affectionately Dedicated

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Captain Clark



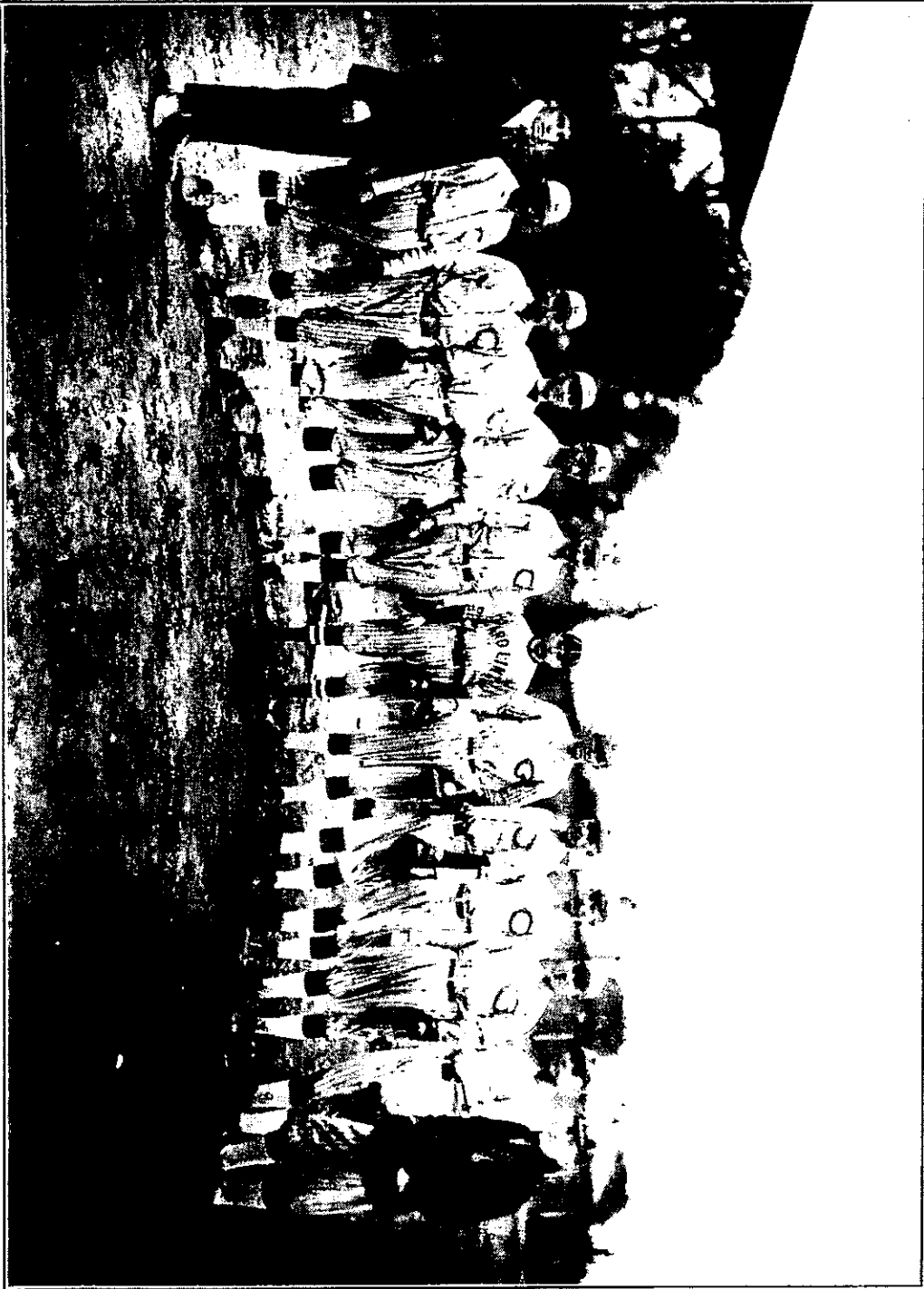
## THE BASEBALL SEASON

Coach Foster had little to build a winning baseball team on this year, so when the opening game with Davidson turned out a 2 to 1 victory many a Gamecock fan was more than surprised. True, Davidson turned the tables and took the second game of the series, but the Gamecock nine was playing real baseball. Their work in the third game was worthy of a first-class professional team, so the dreaded University of North Carolina went down 1 to 0. Citadel was the next victim in a runaway game ending 16 to 0. Trinity took the first game of the Carolina-Trinity series, but only because a break in the ninth frame gave them a chance to overcome Carolina's one run lead. The game ended 2 to 1. Even the memory of the defeat was wiped out the next day when Foster's men rang up 6 tallies to Trinity's 1. The first championship game came with Erskine, one of the leading contenders for State honors. The Seceders put up a real fight, but the game went to the Gamecocks 4 to 3. The Wake Forest series was taken by Carolina.

The team left on its northern trip and returned without a victory to its credit. Every game was hotly contested and two of the four went extra rounds. The team lacked the aggressiveness which had characterized their early season work.

The jinx followed the nine back from the trip and the team seemed unable to find its feet. In all, three games went the wrong way before a thorough shake-up put new life in the team. The Gamecocks, with this new line-up, ran away with Newberry, 12 to 2, again putting themselves in the championship race. The six games yet to be played as the annual goes to press are all with State teams, and the University's success or failure in capturing another State championship rests on the result of these six games.



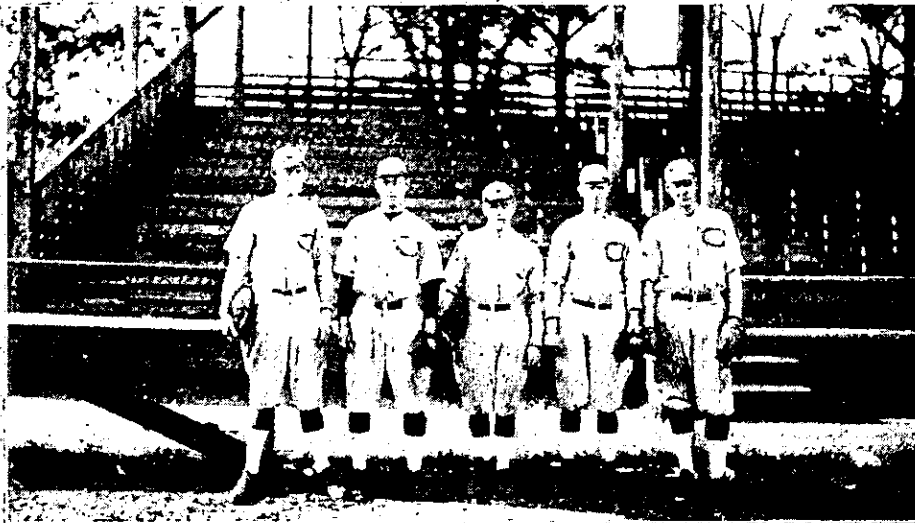
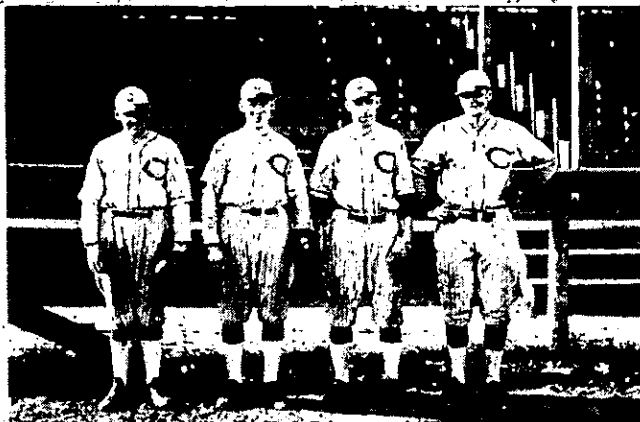


The Varsity.



Baseball Squad

The Infield



The Batteries  
The Outfield

OPPOSER'S EXH. 326

# the GARNET AND BLACK



*Published by the  
Student Body of the  
University of South Carolina*

# BASKETBALL



C. D. Waring, Capt.



LANA SIMS, Capt.



Varsity Baseball Team



RUBE SKINNER



CLARK WARING



J. C. PORTER



FRANCIS BYRD



H. R. EVANS



EDDIE MIRMOW

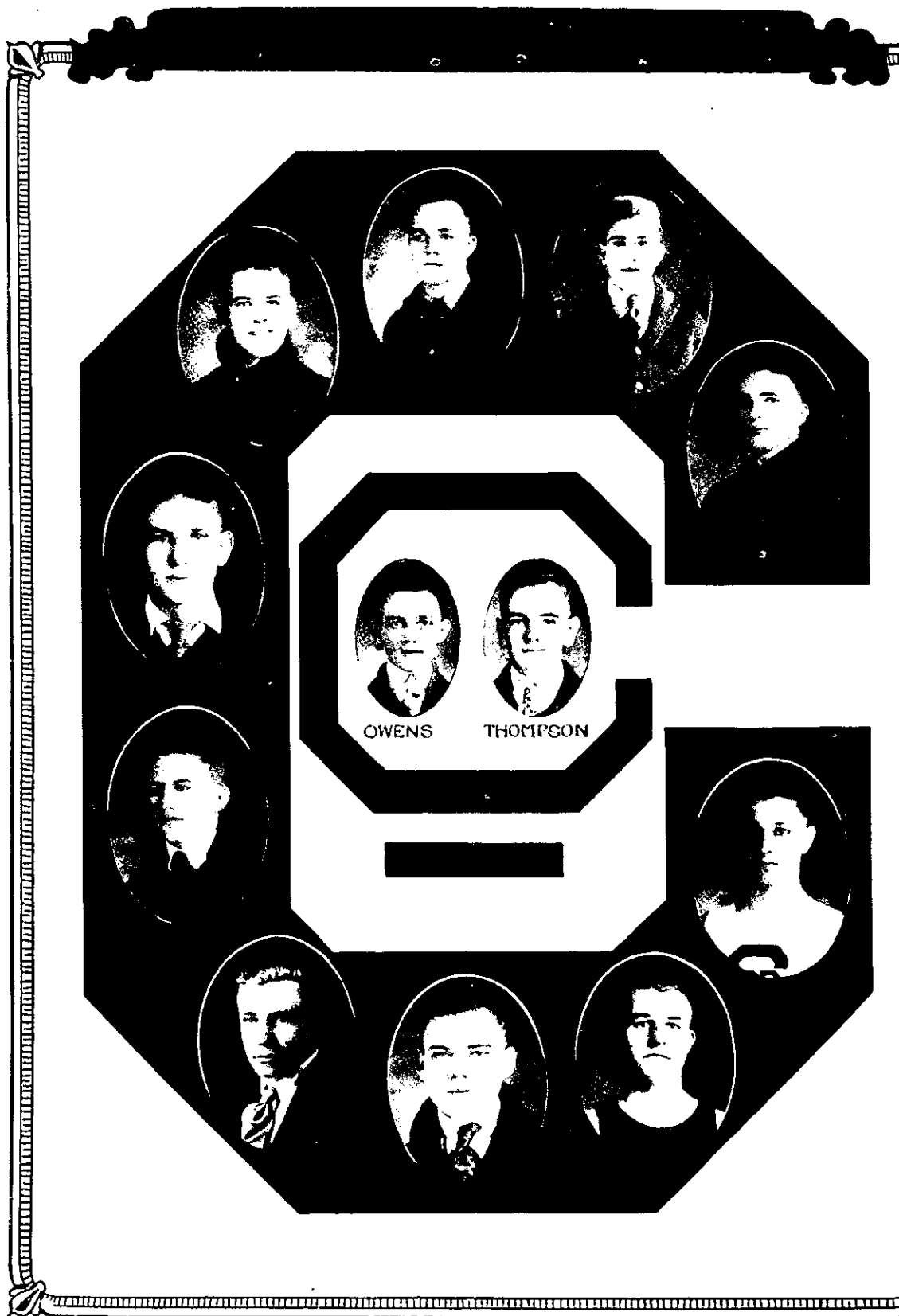


BASE BALL SQUAD

TRAC TEAM



APPLICANT 02698



OPPOSER'S EXH. 327

HOWEFA



## UNIVERSITY HISTORY

UNIVERSITY OF SOUTH CAROLINA

OFFICE OF THE PRESIDENT HOME

ABOUT DR. SORENSEN

ABOUT MRS. SORENSEN

ARTICLES &amp; SPEECHES

MISSION STATEMENT

UNIVERSITY HISTORY

USC HIGHLIGHTS

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Office of the President  
Osborne 203  
University of South Carolina  
Columbia, SC 29208  
Phone: 803-777-2031  
E-mail: [sorenson@sc.edu](mailto:sorenson@sc.edu)

The Palmetto State established the South Carolina College on December 19, 1801, as part of an effort to unite South Carolinians in the wake of the American Revolution. South Carolina's leaders saw the new college as a way to promote "the good order and harmony" of the state. The founding of South Carolina's state college was also a part of the southern public college movement spurred by Thomas Jefferson. Within 20 years of one another, Georgia, North Carolina, South Carolina, and Virginia established state-supported colleges.

In the antebellum era, the Palmetto State generously supported the South Carolina College. The institution featured a cosmopolitan faculty, including such noted scholars as Europeans Francis Lieber and Thomas Cooper, as well as renowned American scholars John and Joseph LeConte. Offering a traditional classical curriculum, South Carolina College became one of the most influential colleges in the South before 1861, earning a reputation as the training ground for South Carolina's antebellum elite.

Then disaster struck. South Carolina's secession from the Union unleashed the devastation of civil war. The state and the South Carolina College paid dearly. The institution closed for want of students, and in the ensuing decades it struggled to regain the leading role in the region it had held during the antebellum era. State leaders revived the institution in 1866 with ambitious plans for a diverse university, but with a nearly empty state treasury, the institution failed to reach its former status.

As Reconstruction from the Civil War proceeded in South Carolina, the General Assembly chose the first African Americans to serve on the University's Board of Trustees in 1868, and in 1873 the first black students enrolled. While politically controversial, this development was an extraordinary opportunity for South Carolinians at a time when opportunities for higher education were rare. The University of South Carolina became the only southern state university to admit and grant degrees to African-American students during the Reconstruction era.

Following the end of Reconstruction in 1877, South Carolina's conservative leaders closed the University. They reopened it in 1880 as an all-white agricultural college, and over the next 25 years the institution became enmeshed in the political upheaval of late 19th-century South Carolina. Carolina went through several reorganizations in which the curriculum frequently changed and its status shifted from college to university and back again.

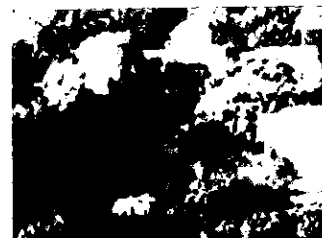
In 1906, the institution was rechartered for the final time as the University of South Carolina. In the early decades of the 20th century, Carolina made strides toward becoming a comprehensive university, and in 1917 became the first state-supported college or university in South Carolina to earn regional accreditation. The 1920s witnessed further progress and growth, with the introduction of new colleges and degree programs.



USC Horseshoe gates



Maxcy Monument



McKissick Museum



East Quad Residence Hall

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 327, Pg. No.

including the doctorate.

The Great Depression temporarily stalled this progress, but the outbreak of World War II launched an era that transformed the University. Carolina hosted Naval training programs during the war, and enrollment more than doubled in the post-war era as veterans took advantage of the G.I. Bill. In the 1950s, the University began recruiting national-caliber faculty and extended its presence beyond Columbia with the establishment of campuses in communities across South Carolina.

In 1963 the University of South Carolina became the university of all the people of South Carolina. As the result of a federal court order, on September 11, Henrie D. Monteith, Robert Anderson, and James Solomon became the first of an increasing number of African-American students to enroll at the University in the 20th century. In the ensuing years, Carolina underwent explosive growth as the "baby boom" generation entered college. Enrollment stood at 5,660 in 1960, but by 1979 had reached nearly 26,000 students on the Columbia campus alone. To meet the needs of these students and South Carolina's changing economy, the University put new emphasis on research and introduced innovative degree programs as well as a number of new schools and colleges. Carolina had become a true research university.

In the 1980s and 1990s, the University of South Carolina continued to develop its resources to better serve the Palmetto State. A concerted drive to achieve national recognition brought Carolina into the 21st century. In 2001, the University of South Carolina celebrated a legacy of 200 years of educating leaders for the future of South Carolina, the nation, and the world.

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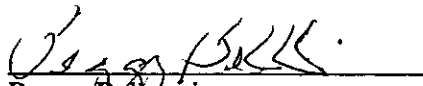
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF ELIZABETH C. WEST AND ACCOMPANYING EXHIBITS is being placed in the United States mail, first class, postage prepaid, on August 29, 2006, addressed to the following:

Michael S. Adler, Esquire  
Gibson, Dunn, & Crutcher, LLP  
2029 Century Park East, Suite 4000  
Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

  
Peggy Belusti  
Administrative Assistant

August 29, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California	)	Opposition No. 91125615
	)	
Opposer,	)	Serial No. 75/358,031
	)	
vs.	)	Mark: SC (Stylized)
	)	
University of South Carolina,	)	Filed: September 16, 1997
	)	
Applicant.	)	Published: May 18, 1999
	)	

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**NOTICE OF FILING THE CERTIFIED TRANSCRIPT  
OF THE TESTIMONY DEPOSITION  
OF C. "KIT" WALSH  
AND ACCOMPANYING EXHIBITS**

**[VERSION WITH CONFIDENTIAL PORTIONS REDACTED]**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**


PLEASE TAKE NOTICE that, under CFR § 2.123(f) and TBMP 703.01(k), Applicant the University of South Carolina is hereby filing with the Board the confidential, certified transcript of the testimony deposition of C. "Kit" Walsh dated March 1, 2006, along with the accompanying exhibits and corrections.

**[SPACE INTENTIONALLY LEFT BLANK]**

Copies of said transcript and corrections to the same were previously served on counsel for Applicant.

Dated: August 29, 2006

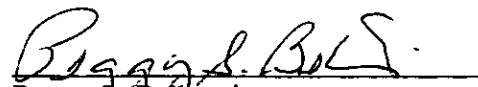
NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By:   
John C. McElwaine  
Federal Bar No. 6710  
Matthew D. Patterson  
Federal Bar No. 7788  
Liberty Building, Suite 600  
151 Meeting Street  
Post Office Box 1806 (29402)  
Charleston, SC 29401  
(843) 853-5200

Attorneys for University of South Carolina

**CERTIFICATE OF MAILING**

I certify that the foregoing NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF C. "KIT" WALSH AND ACCOMPANYING EXHIBITS [VERSION WITH CONFIDENTIAL PORTIONS REDACTED] regarding Opposition No. 91125615 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on August 29, 2006.

  
Peggy S. Belbusti

Page 1

1 APPEARANCES:

2 FOR THE APPLICANT:

3 NELSON MULLINS RILEY & SCARBOROUGH, LLP  
4 BY: JOHN C. MCELWAINE, ESQUIRE  
Liberty Center, 6th Floor  
151 Meeting Street  
5 Charleston, South Carolina 29401-2239  
Tel: (843) 534-4375  
6 Fax: (843) 720-4324  
john.mcelwaine@nelsonmullins.com

7

8

FOR THE OPPOSER:

9

10 GIBSON, DUNN & CRUTCHER LLP  
BY: MICHAEL S. ADLER, ESQUIRE  
333 South Grand Avenue  
11 Los Angeles, California 90071-3197  
Tel: (213) 229-7919  
12 Fax: (213) 229-6929  
madler@gibsondunn.com

13

14 ALSO PRESENT:

15 MIRIAM B. PINCKNEY,  
16 Paralegal, Nelson Mullins Riley & Scarborough  
17  
18  
19  
20  
21  
22  
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**REDACTED**

**Entire Testimony Deposition of  
C. "Kit" Walsh**

**CONFIDENTIAL**

1     STATE OF GEORGIA             )  
2                                     )   ss  
3     COUNTY OF LOS ANGELES    )

4

5                     I, HOWARD A. TORCH, hereby certify that the witness  
6     in the foregoing deposition was by me duly sworn to testify the  
7     truth, the whole truth, and nothing but the truth in the  
8     within-entitled cause;

9                     That said deposition was taken on Wednesday, March 1,  
10    2006, at 10:50 a.m., at the law offices of Nelson Mullins Riley &  
11    Scarborough, located at 999 Peachtree Street, Suite 1400, Atlanta,  
12    Georgia, wherein the adverse party was present through counsel,  
13    John C. McElwaine, Esquire, of Nelson Mullins Riley & Scarborough,  
14    LLP;

15                    That the testimony of said witness was reported by  
16    me, a Certified Shorthand Reporter, having not been disqualified as  
17    specified in Rule 28 of the Federal Rules of Civil Procedure, and  
18    was thereafter transcribed into typewriting, and that the pertinent  
19    provisions of the applicable code or rules of civil procedure  
20    relating to the notification of the witness and counsel for the  
21    parties hereto of the availability of the original transcript of  
22    the deposition for reading, correcting, and signing have  
23    been met.

24                    And I further certify that I am not a relative or  
25    employee of a party, a relative or employee of an attorney or agent

Page 96

1 of a party, or interested directly or indirectly, in the  
2 interference either as counsel, attorney, agent, or otherwise.

3 IN WITNESS WHEREOF, I have hereunto  
4 subscribed my name this 13th day of March 2006.

5

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HOWARD TORCH, RPR, CCR B-2507

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## E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, C. "KIT" WALSH, do hereby certify that I have read the foregoing deposition and that said transcript is true and accurate, with the exception of the following changes noted below, if any:

Page\_\_\_\_/Line\_\_\_\_/Should Read:\_\_\_\_\_

Reason:\_\_\_\_\_

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10 \_\_\_\_\_

11 Reason:\_\_\_\_\_

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13 Page\_\_\_\_/Line\_\_\_\_/Should Read:\_\_\_\_\_

14 \_\_\_\_\_

15 Reason:\_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_



C. "KIT" WALSH

18 \_\_\_\_\_

Sworn to and subscribed before me,

19 \_\_\_\_\_

\_\_\_\_\_, Notary Public.

20 \_\_\_\_\_

This 28 day of August, 20 06.

21 My Commission Expires:

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

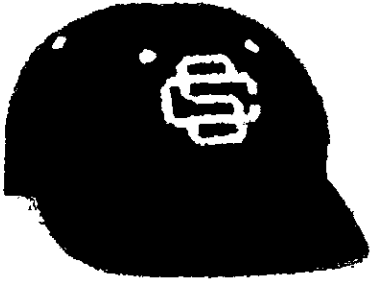
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APPLICANT'S EXHIBIT 1



Def(s) 9 P(s) EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8-17-05  
Witness: Stimmler

APPLICANT'S EXHIBIT 2



Def(s) 8 Plt(s) EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8.17.05  
Witness: Stimmler

**APPLICANT'S EXHIBIT 3**



10  
Deft(s) \_\_\_\_\_ Plff(s) \_\_\_\_\_ EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8-17-05  
Witness: Stimmer

**APPLICANT'S EXHIBIT 8**

# THE COLLEGIATE LICENSING COMPANY

290 Interstate North Suite 200 Atlanta, Georgia 30339 Tel 770.956.0520 Fax 770.955.4491 Internet [www.clc.com](http://www.clc.com)



## CLC's Application & Licensing Process

Welcome to The Collegiate Licensing Company and the collegiate trademark licensing industry. This document is the first step in the process to apply for a CLC license. The collegiate licensing industry was first formed in the late 1970s/early 1980s. Today, annual retail sales of officially licensed collegiate products are estimated to reach upwards of \$2.5 billion in the U.S. More than 2,200 companies are involved in this market.

This document is important as it will outline the steps that you will need to follow to obtain a license to produce merchandise bearing the trademarks of a CLC Institution. The CLC Consortium is the nation's largest group of colleges, universities, bowl games, athletic conferences, and other collegiate properties. A complete updated list of all CLC Institutions can always be found under the downloads section of CLC's web site at [www.clc.com](http://www.clc.com).

### **Applying for a CLC License**

Obtaining a license through CLC for one of its Member Institutions is a process that will require a great deal of thought, research, and commitment on your behalf. With more than 2,000 companies already licensed to produce a wide range of products, CLC and each institution are analyzing every application with great diligence. Most applications sent to prospective licensees are never returned to CLC. Of the applications received by CLC, only those companies that can exhibit a commitment to the collegiate market, have established production and distribution capabilities, and/or offer a new or unique product will be granted the opportunity to obtain a CLC License.

To illustrate these three points, please consider the following statistics regarding new applications for licensing with CLC. These numbers represent the total number of applications that made it to each stage of the licensing process during the 12 month period ending 6/30/00:

<u>Applications Sent by CLC</u>	<u># Accepted by CLC/Institution</u>	<u># Completed Final Requirements</u>
2,306	498	437

Based on these numbers, 19% of all companies that received an application actually became a CLC licensee. Furthermore, many companies that do receive a license are not well-prepared for the ongoing costs of sustaining a successful collegiate business. Statistics from the 1999-2001 period showed that more than 50% of all companies that did receive a collegiate license, were no longer licensed after 18 months. Most were canceled for lack of compliance with the licensing requirements, failure to report royalties, or the licensee simply requested to end the license agreement due to a lack of sales and/or retail distribution.

This information illustrates that licensing is a very extensive process and is not meant for all companies. It takes a significant investment in time and money to complete the licensing process. If you are serious about applying for a license with a CLC Institution, please review all of the information in this document, as well as both of CLC's license application options.

## Deciding Which Type of License to Pursue

There are two options to pursue in applying for a license with CLC. You can apply for either a **Local/Restricted License** or a **Standard License**. Below is a brief description of both licenses:

- **Local/Restricted License Application**

This Application should be used by companies that only desire to obtain a license with a local institution and/or only need to obtain a license for a limited purpose (e.g. one-time order, internal campus order, etc.). This Application is recommended for first-time applicants and companies that do not intend to apply for licenses for more than five CLC institutions that are within the same state or nearby region as your business. If you receive a Local/Restricted License, you cannot apply for a Standard License for 12 months.

- **Standard License Application**

This Application should be used by companies that plan to apply for licenses for 1 or more institutions located outside the state in which the business/individual resides. The applicant understands that obtaining a Standard License is a complex process that will place increased requirements on the company. The Standard License Application is not recommended for first-time applicants or companies without established marketing & distribution plans or a solid financial history of selling licensed products.

The Local/Restricted License is the best place to start as a new licensee. Applicants for this license will find a more streamlined application process with fewer requirements than the Standard License Application. This license is typically used by local companies that want to sell merchandise for one or more local institutions located within the same state as the company's business. Applications will not be accepted if they include institutions located outside the home state of the applicant. Applicants for the Local/Restricted License should not have immediate plans to expand beyond this area.

Applying for a Standard License is a more detailed application process that may involve making a formal presentation of your application and product(s) to CLC. Companies that have well-established retail distribution and product lines typically pursue this type of license. You must also have the ability to create and submit designs electronically through iCLC, CLC's on-line design submission system. Information regarding the technical requirements needed to submit through iCLC is noted later in this document. The first step in applying for this license is completion of the multi-page Standard License Application, including all of the additional forms.

If you apply for and receive a Local/Restricted License, you will only be able to carry a maximum of five (5) institutions (from within your state) on your license agreement. After 12 months, if you plan to expand beyond five institutions, you will be required to re-apply for a Standard License, beginning with the application process. Your performance history as a Local/Restricted Licensee will be used as a factor in determining whether to grant you a Standard License.

Licensing a new product with CLC will require dedicated staff, resources, and a financial commitment from your company. Before proceeding, please be certain that you are ready to enter into the collegiate licensing business. Among the largest costs are product liability insurance (which can range from several hundred to several thousand dollars per year), and

advance royalty fees (which are paid annually and range from \$100 - \$1,000 per institution and are non-refundable). A complete list of advance fees is included with the application materials. Product liability insurance and advance fees are required of both Local/Restricted and Standard Licensees. Advance fees are used as a credit against future royalties, until they are exceeded.

As an example, if an institution's advance fee is \$1,000 and its royalty rate is 8%, you would need to sell \$12,500 worth of products for that institution to cover the advance fee. This figure is achieved by the following formula:

$$\text{\$1,000 in Royalties} \div \text{8\% Royalty Rate} = \text{\$12,500 in Wholesale Sales}$$

### **Unsure if You Want to Apply for a License?**

If you are new to the licensing business, or do not have an established company, product line, or distribution, or if you would simply like some feedback on your product/idea, then you can consider using CLC's New Product Inquiry Form. To pursue this process, please complete the New Product Inquiry Form and send it to CLC with a sample of the product or idea that you would like to license. The more detail you can provide to us, the better we will be able to judge the viability of your product/idea. Our staff will keep your product/idea in confidence. They will provide you with honest feedback as to the viability of obtaining a license for this product as well as its sales potential. Use of the New Product Inquiry process is strongly recommended for companies that intend to apply for a standard non-apparel license. This is due to the large number of current licensees and the large number of requests for new licenses that this department receives on a weekly basis.

### **Timing Your Entry into the Collegiate Market**

Most applicants are interested in selling into collegiate bookstores or other campus-area outlets. Many of these retailers complete the bulk of their buying during the first and second quarter for the back-to-school and fall football season. With buying decisions being completed 6-9 months in advance of the primary selling season (August - December), it is imperative that you begin the licensing application process early in the year (January - April) if you hope to capture any of the peak collegiate selling season. Companies that wait too long to apply will face longer timelines due to the heavy rush of applications that arrive at CLC from July - August each year.

Some applicants will often secure retail orders or seek interest from retailers well in advance of attempting to apply for a license. Many universities are not granting licenses to all applicants, so it is important that you attempt to secure a license prior to soliciting sales. You can save a lot of time and money if you obtain a license first, prior to booking orders. Even if you have pre-booked orders, there are no guarantees that you will be able to obtain a license with CLC for a university.

### **Next Steps**

You must first decide the type of application that you want to complete. You must complete the application as thoroughly as possible. The absence of any information on an application may delay the licensing process. After completing the application, it should be sent to CLC along with the non-refundable application fee. The fee for the Local/Restricted Application is

\$50 and the fee for a Standard License Application is \$250. Again, both of these application fees are non-refundable. Completed applications should be sent to the following address:

Local/Restricted License Application  
The Collegiate Licensing Company  
290 Interstate North Parkway, Suite #200  
Atlanta, GA 30339

*\*Include \$50 Application Fee made payable to The Collegiate Licensing Company*

OR

Standard License Application  
The Collegiate Licensing Company  
290 Interstate North Parkway, Suite #200  
Atlanta, GA 30339

*\*Include \$250 Application Fee made payable to The Collegiate Licensing Company*

After your completed application is received by CLC, you can expect to hear back from CLC staff within 30 days. Once your application is received, it will be reviewed by CLC and the licensing director for the institution(s) you selected on the application. As previously indicated, approval of your application will be based on the following:

- Uniqueness of product, design, and/or logo application
- Quality of product and/or product liability associated with the product
- Institution's need for additional licensees in the product category(s) requested
- Institution's need for additional licensees with your distribution capabilities
- Marketing and promotional capabilities
- Applicant's accounting and administrative systems
- Royalty and compliance history if your company is a former CLC licensee

If your application is accepted, you will move into the second phase of the licensing process. The second phase of the process can take anywhere from 15 - 60 business days, depending on how fast you are able to complete the requirements outlined below. The entire licensing process should be completed within 120 days. If any of the requirements for licensure are not completed within 120 days, your application will be placed in Inactive Status and you will need to re-start the process.

During the second phase, you will be notified how to obtain artwork for the institutions that conceptually approve your application. Many CLC universities require the use of Logos on Demand, a subscription based program which provides production-ready digital artwork files for each CLC Institution.

The annual subscription fee to obtain digital artwork through the Logos on Demand program costs between \$50 and \$500 per year. Please see the enclosed insert to determine if you are required to use Logos on Demand and if so, how much the fee will be. The purchase of digital artwork does not guarantee that you will become a CLC licensee. You will still be required to complete the licensing process and execute a license agreement.



CLC 00107

In the second phase of the licensing process, you will be required to obtain a minimum of \$1 million in product liability insurance. If the risk associated with your product is greater than that for standard products, you may be required to obtain a higher coverage amount. This is the most time-consuming element of the licensing process. Of the applicants that do not complete the entire process, most have difficulty completing this important requirement. Specific information on the product liability insurance required by CLC is included in this package or e-mail. This information will also be sent to you during the second phase of the process. Insurance should be obtained through your existing insurance agent.

While you are working to obtain product liability insurance, you should also develop specific designs/products to submit for approval. The designs and/or samples will be forwarded to each University for final approval or disapproval. CLC Institutions are given 3 weeks to respond to design and sample submissions. All standard licensees and applicants must submit designs electronically through iCLC, CLC's on-line design submission system. Several CLC Institutions also require Local licensees and applicants to submit designs through iCLC. As a result, you should plan accordingly and have the ability to use the system if you intend to obtain a standard license with CLC.



To utilize iCLC, you must have an Internet connection and the ability to save graphic files in PDF format. Adobe Acrobat PDF files can be saved from most major graphic software programs. A username and password for iCLC will be issued to you by CLC once licensure and an iCLC registration form have been completed. Most design approvals take place through the iCLC system. This speeds up the design approval process and allows you to reach the market faster with your products. The average response time for designs submitted through iCLC is 48 hours, while the average response time for designs submitted in hard copy (mail or fax) is two weeks. Use of iCLC also saves time and money by reducing postage, paper, phone, fax, and copier expenses.

**NOTE:** Some institutions may require a finished sample from new licensees in addition to the design submission. All samples are submitted at the expense of the applicant or licensee and will not be returned.

You will also be required to order the "Officially Licensed Collegiate Products" (OLCP) hologram label during this phase of the process. CLC will provide you with specific guidelines for use of the OLCP label and information on the company that is the authorized supplier of the OLCP label in Phase II of the licensing process. You will be required to affix this label to each of the products that you sell. In addition, it is required that you include your company name on every licensed item. This is a contractual requirement that assists CLC with auditing and enforcement efforts.

Once you have completed the insurance and labeling requirements, and your designs/products have been approved by the institutions, you will move into the third phase of the licensing process.

During the final phase of the licensing process, you will be required to sign the CLC License Agreement and pay the advance fees for each institution as well as any associated contract execution fees. In addition, if you are obtaining a license with any institution that has

CLC 00108

established labor code requirements, you must execute CLC's Special Agreement Regarding Labor Codes of Conduct. At this time, the requirements of the Code Agreement essentially involve (1) committing to labor code standards, (2) providing disclosure of factory site locations, and (3) complying with the Fair Labor Association ("FLA") monitoring program if you are obtaining a license for an FLA participating member institution. Please see the enclosed insert for more information on the FLA, participating member institutions, and FLA membership requirements. As the Code Agreement evolves, these requirements may change.

Please note, the CLC License Agreement also does not allow another company to manufacture or apply collegiate logos to merchandise for you. If another company is manufacturing the product, you and the manufacturer will be required to sign an Authorized Manufacturer's Agreement in the final phase of licensing.

Once you have received a copy of the executed License Agreement from CLC, you will be permitted to sell your licensed products as stipulated in the agreement.

#### **Payment of Royalties**

You will receive royalty reporting forms along with your executed License Agreement from CLC. Royalties must be reported for all sales on a monthly basis and must be reported by institution and by product category. Reports must also be submitted even if sales are zero. Royalty rates and advance fees ("pre-paid royalties") vary from university to university. A complete list of royalty rates and advance fees can be found on the enclosed list.

#### **Adding New Institutions to Your Agreement**

Once your License Agreement is finalized, you may add an institution to the agreement by submitting a New Institution Request Form. If conceptually approved by CLC and/or the institution, you must develop and submit designs incorporating the institution's marks as you intend to reproduce them. Once you have submitted designs/samples for final review and they are approved by the appropriate institution, an addendum to your agreement will be sent. You are required to sign and return the addendum to CLC with payment for the institution's advance fee before authorization to distribute the merchandise is granted.

If you are approved and licensed as a Local/Restricted Licensee, you will be able to have up to five (5) CLC Institutions on your Agreement. All five schools must be located within the same state. If you obtain a Standard License, you will be permitted to request licensure for any CLC Institution.

#### **Adding a New Product / Product Approval Process**

If you wish to add a product to your License Agreement, you will need to obtain the necessary forms through the iCLC system or from your CLC Coordinator. You will need to complete and send in a New Product Request Form that lists all details about the product you wish to add to your Agreement. You will also need to submit a quality sample of the product with your request and an Authorized Manufacturer's Agreement or Factory Site Disclosure Form (if applicable). A "quality sample" does not have to feature any institution logos, it is

**CLC 00109**

simply an exhibit of the same product that you wish to have licensed so that we can determine the quality and viability of the product. The sample and your request will be reviewed by CLC and the institution(s) currently licensed by your company. You will be notified in writing if the new product is approved and your agreement will be amended to include the new product. At that time, you must submit designs incorporating each institution's marks on the new product for final approval.

### **License Agreement Renewal**

CLC License Agreements are renewed annually. You will receive a renewal package from CLC approximately thirty (30) days prior to the expiration of your Agreement. You will need to complete the renewal materials in a timely manner and return them to CLC to ensure your agreement is not expired.

CLC and its Institutions reserve the right not to offer renewal of any Agreement. Obtaining a collegiate license is a privilege, and both CLC and the Member Institutions expect licensees to perform all contractual obligations as stated in the License Agreement. Your company's sales performance and contract compliance history during the term of the agreement is considered before renewal is offered. If you are offered renewal, additional administrative fees may be charged for non-performance of contractual obligations in the previous twelve (12) months.

Licensees that remain in good standing and are successful with their license may be offered a longer term agreement at renewal. The decision to grant a longer term agreement rests with CLC and its Member Institutions. Even if a multi-year agreement is granted, advance and administrative fees are due on an annual basis.

### **Additional Questions**

The materials that you have received with the Application Package from CLC should answer most of the questions that you may have about licensing. You can also visit [www.clc.com](http://www.clc.com) and find answers to many of the most Frequently Asked Questions. As you progress through the licensing process, other questions will arise and a CLC representative will be available to answer your questions at that time.

### **Application Checklists**

Please keep in mind that incomplete applications will be returned to the applicant. Please attempt to answer all questions to the best of your ability. We reserve the right to return incomplete applications to the applicant. Please use the application checklist to help guide you through the completion of the application process. In preparing your Local/Restricted or Standard Licensing Application, please use the checklist to ensure all of the application requirements are returned to CLC.

### **Conclusion**

As stated from at the beginning of this document, collegiate licensing is not meant for all companies or individuals. Our experience has shown that those companies with established marketing and distribution channels as well as an established product line have a much higher success rate than companies or individuals without any experience in the retail industry. There are many great ideas in the collegiate market, however it takes financial resources and solid marketing to help bring these ideas to market. We appreciate your interest in obtaining a license through CLC and we look forward to the possibility of working with you in the future.

**CLC 00111**

APPLICANT'S EXHIBIT 9

**REDACTED**

Entire Exhibit No. 9

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APPLICANT'S EXHIBIT 10

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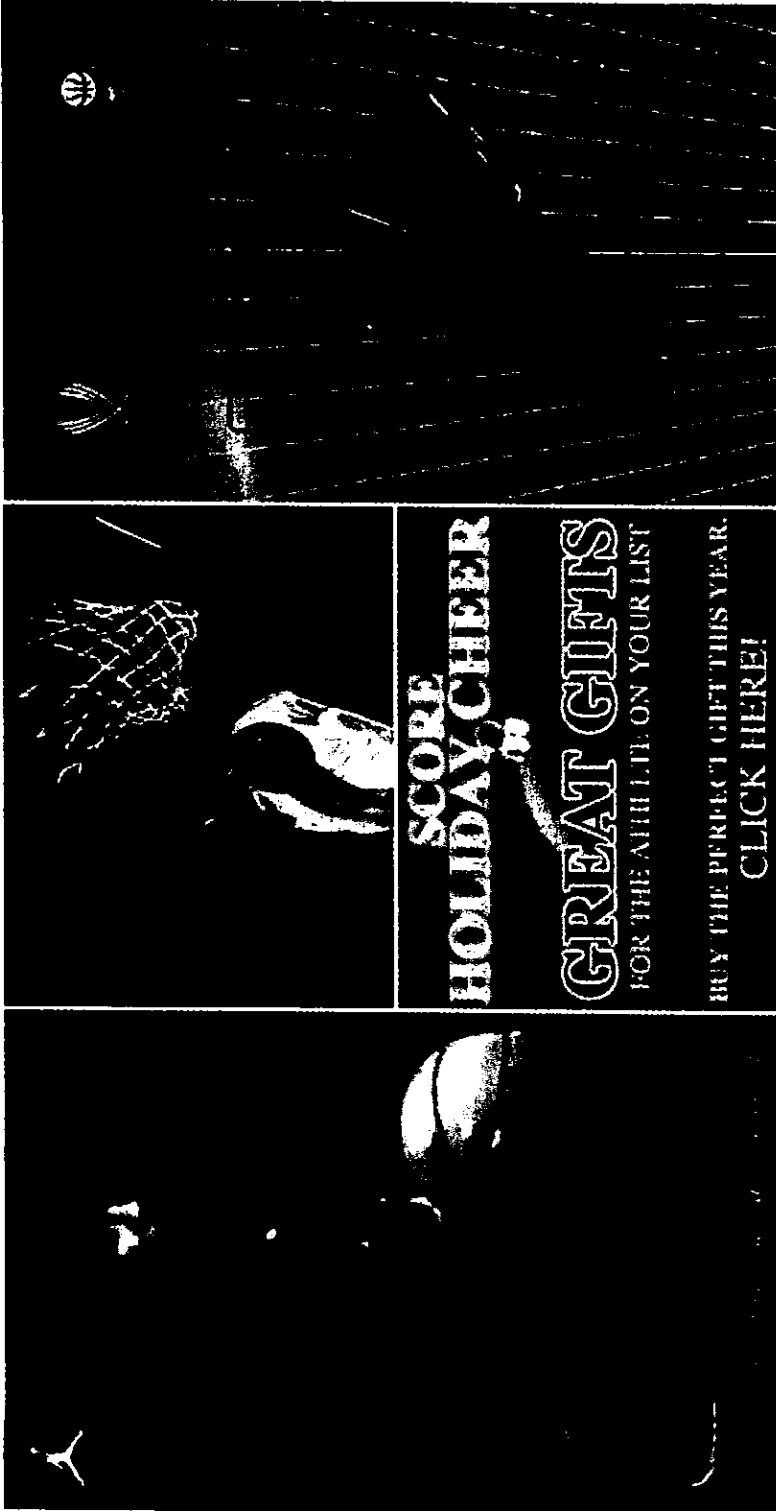
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Applicant's Ex. 10

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

APPLICANT 03022

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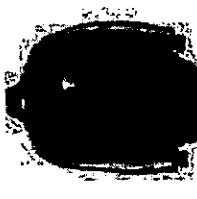
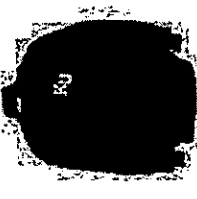
Home : [Fan Gear : NCAA](#)

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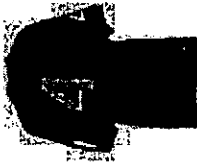

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Refine Your Search

- Team
- Alabama
- Arizona
- Arizona State
- Arkansas
- Auburn
- Baylor
- Boise State
- Boston College
- BYU
- Cal
- Cincinnati
- Clemson
- Colorado
- Duke
- Florida
- Florida State
- Fresno State
- Georgetown
- Georgia
- Georgia Tech
- Gonzaga
- Illinois
- Indiana
- Iowa
- Iowa State
- Kansas
- Kansas State
- Kentucky
- Louisville
- LSU
- Marquette
- Marshall
- Maryland
- Memphis
- Miami (Fla.)
- Michigan
- Michigan State

				
adidas Men's Big Game Letterman's Jacket Price: \$289.99 Team: Notre Dame	adidas Men's Big Game Letterman's Jacket Price: \$289.99 Team: Tennessee	adidas Men's Big Game Letterman's Jacket Price: \$289.99 Team: Wisconsin	adidas Men's Big Game Letterman's Jacket Price: \$289.99 Team: Nebraska	adidas Men's 2005 Authentic NCAA Jersey Price: \$199.99 Team: UCLA Blue
				
adidas Men's 2005 Authentic NCAA Jersey Price: \$199.99 Team: Wisconsin Red	adidas Men's 2005 Authentic NCAA Jersey Price: \$199.99 Team: Tennessee Orange	adidas Men's 2005 Authentic NCAA Jersey Price: \$199.99 Team: Nebraska Red	Nike Men's Conference Wool Jacket Price: \$199.99 Team: Texas Desert Orange	Nike Men's Conference Wool Jacket Price: \$199.99 Team: Kansas Navy

- Minnesota
- Mississippi
- Mississippi St...
- Missouri
- NC State
- Nebraska
- New Mexico
- North Carolina
- North Dakota
- Notre Dame
- Ohio State
- Oklahoma
- Oklahoma State
- Oregon
- Oregon State
- Penn State
- Pittsburgh
- Purdue
- Rutgers
- South Carolina
- Southern Missi...
- St. John's
- Stanford
- Syracuse
- Tennessee
- Texas
- Texas A&M
- Texas Tech
- Tulane
- U Mass
- UCLA
- Uconn
- UNC - Charlotte
- UNLV
- USC
- Utah
- Vanderbilt
- Vermont
- Villanova
- Virginia
- Virginia Tech
- Wake Forest
- Washington
- Washington State
- West Virginia
- Western Kentucky
- Wisconsin
- Xavier

				
<u>Nike Men's Conference Wool Jacket</u> Team: Purdue Black Price: \$199.99	<u>Nike Men's Conference Wool Jacket</u> Team: Michigan Navy Price: \$199.99	<u>Nike Men's Conference Wool Jacket</u> Team: Ohio State Red Price: \$199.99	<u>Nike Men's Conference Wool Jacket</u> Team: Oklahoma Crimson Price: \$199.99	<u>Nike Men's Conference Wool Jacket</u> Team: Illinois Navy Price: \$199.99
				
<u>Nike Men's 05 College Football Authentic Jersey</u> Team: North Carolina Navy Price: \$199.99	<u>Columbia Men's Wishbone Parka</u> Team: Notre Dame Navy Price: \$179.99	<u>Columbia Men's Wishbone Parka</u> Team: North Carolina Navy Price: \$179.99	<u>Nike Men's 05 College Football Authentic Jersey</u> Team: Miami (Fla.) Green Price: \$149.99	<u>Nike Men's 05 College Football Authentic Jersey</u> Team: Oklahoma Crimson Price: \$119.99



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What is this?**FAN GEAR**

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Sort By: 

Please Choose:

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v Product Type

&gt; Tees

&gt; Sweatshirts

&gt; Headwear

v Gender or Age

&gt; Men's






&gt; Women's

&gt; Price

&gt; Size

&gt; Brand

&gt; Color

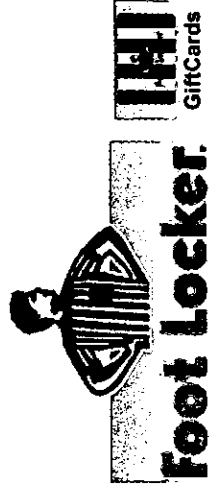
			
<b>Nike Men's College Play Action Hoody</b> Price: \$59.99 Team: South Carolina Crimson	<b>Reebok Men's Property Of Raglan Tee</b> Price: \$29.99 Team: South Carolina Grey	<b>Reebok Men's Property Of Tee</b> Price: \$29.99 Team: South Carolina Garnet	<b>Nike Men's NCAA Basketball Practice Tee</b> Price: \$17.99 Team: South Carolina Crimson
			
<b>Zephyr Sport Cap</b> Price: \$15.99 Team: South Carolina White			

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Sort By: Please Choose:

Total Results: 4


### Refine Your Search

- > [Player Name](#)
- > [Brand](#)
- > [Color](#)
- > [Other Attributes](#)

			
<b>West Coast Novelties College Commemorative Cap</b> Price: \$24.99 Team: USC	<b>Reebok Heisman Cap</b> Price: \$16.99 Team: USC Leinart, Matt	<b>Reebok Heisman Cap</b> Price: \$16.99 Team: USC Bush, Reggie	<b>Zephyr Sport Cap</b> Price: \$15.99 Team: USC White

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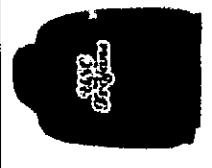
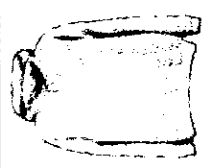
FAN GEAR

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Total Results: 3

Refine Your Search

- > Price
- > Size
- > Brand

 <p><b>Nike Men's Franchise Hoodie IV</b> Price: \$59.99 Team: USC Crimson/Gold</p>	 <p><b>Team Edition Men's Side Stitch Fleece Hood</b> Price: \$49.99 Team: USC Charcoal</p>	 <p><b>Team Edition Men's Over the Line Hoodie</b> Price: \$39.99 Team: USC Grey</p>
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### Refine Your Search

- > Price
- > Size
- > Player Name
- > Brand
- > Color
- > Other Attributes

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Total Results: 9

<p><b>Reebok Men's Double Pump Tee</b> Price: \$34.99 Team: USC Crimson</p>	<p><b>Team Edition Men's Layered Thermal Tee</b> Price: \$24.99 Team: USC Cardinal/White</p>	<p><b>Nike Men's National Champs Banner Tee</b> Price: \$17.99 Team: USC White</p>	<p><b>Nike Men's NCAA Basketball Practice Tee</b> Price: \$17.99 Team: USC Crimson</p>	<p><b>Reebok Men's Prestige Heisman Tee</b> Price: \$17.99 Team: USC Bush, Reggie</p>
<p><b>Reebok Men's Prestige Heisman Tee</b> Price: \$17.99 Team: USC Leinart, Matt</p>	<p><b>Nike Men's Road to Pasadena Tee</b> Price: \$17.99 Team: USC Crimson</p>	<p><b>Team Edition Men's Freehold Team Color Tee</b> Price: \$14.99 Team: USC Crimson</p>	<p><b>Team Edition Men's Freehold White Tee</b> Price: \$14.99 Team: USC White</p>	

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 shopping cart - 0 item(s)  
 Eligible orders must total \$99 or more. Details

Shop by Sport / Department

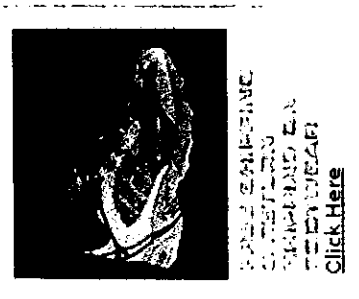
SEARCH By Keyword or



Welcome to DicksSportingGoods.com

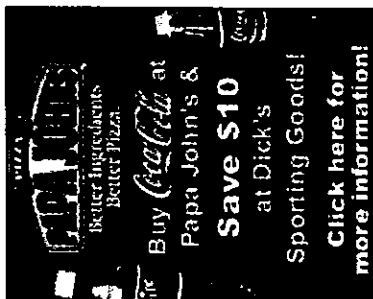
TOP SHOPS

- Holiday Gift Center
- Basketball Goals
- Golf Pro Shop
- NBA Shop
- NFL Shop
- Tailgater Essentials
- The Lodge
- The Rec Room
- TaylorMade
- Outlet
- Treadmills



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- Apparel
- Accessories
- Baseball
- Basketball
- Boating / Watersports
- Camping/Hiking
- Cycling
- Electronics
- Exercise
- Fan/Pro Shop
- Fishing
- Football
- Footwear
- Games
- Golf
- Hunting/Archery
- Ice/Roller Hockey
- In-Line Skating
- Lacrosse
- Optics / Telescopes
- Paintball / AirSoft
- Running
- Scooters
- Skateboarding
- Soccer



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- Bowflex
- Callaway Golf
- Lifetime Basketball
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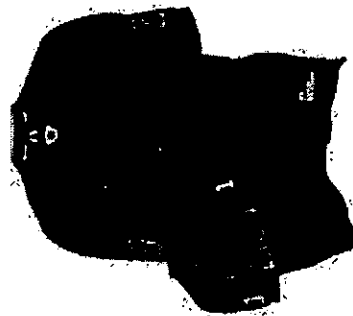
Shop by Sport / Department

Home > Fan/Pro Shop

#### SHOP MORE

##### FAN/PRO SHOP

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 Cooperstown  
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 Vintage Hockey  
 Fan Shop Memorabilia  
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NFL Equipment Oakland Raiders Randy Moss Authentic Team Color Jersey

Proudly support your team by wearing this Oakland Raiders Randy Moss Authentic Jersey. This pro-cut jersey is engineered to duplicate the team skill position and made of thick, high-quality Pro-Brite nylon with a lycratatic spandex dazzle collar, side panels, and cuffs. The tackle twill team name and player number is shown at the chest, with the player's name on a sewn down nameplate at the upper back and his number in the center of the back.

>(\$ Free Shipping Eligible! \*\*

Our Price: \$209.99

#### FEATURED ITEMS



CCM Pittsburgh Penguins Sidney Crosby Replica Team Color Jersey

>(\$ Free Shipping! \*\*

Our Price: \$149.99



NFL Equipment Philadelphia Eagles 2005 Sideline Player Flex Cap

>(\$ Free Shipping Eligible! \*\*

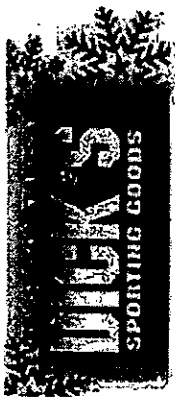
Our Price: \$24.99

\*List price is for reference only. No sales may have occurred at this price.

\*\*See product page for details.

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Shop by Sport / Department

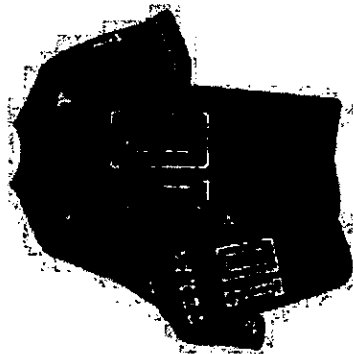
Home > Fan/Pro Shop > NCAA

## SHOP MORE

### NCAA

Air Force Falcons  
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 Arizona State Sun Devils  
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 Army Black Knights  
 Auburn Tigers  
 Ball State Cardinals  
 Baylor Bears  
 Boise State Broncos  
 Boston College Eagles  
 Boston University Terriers  
 Bowling Green Falcons  
 Brigham Young Cougars  
 Cal St. Fullerton Titans  
 California Golden Bears  
 Central Fla. Golden Knights  
 Central Michigan Chippewas  
 Charlotte 49ers  
 Cincinnati Bearcats  
 Clemson Tigers  
 Colorado Buffaloes  
 Colorado State Rams  
 Connecticut Huskies  
 Dayton Flyers  
 Duke Blue Devils  
 East Carolina Pirates  
 Florida Gators  
 Florida State Seminoles

## Colosseum Athletics Texas Longhorns Football Jersey



This high-quality Texas Longhorns football jersey from Colosseum™ Athletics is made of durable, breathable polyester mesh and has a comfortable ribbed v-neck collar. The officially licensed jersey is decorated in the team colors, features a jock tag at the lower left front above the hem, and is designed with the tackle twill team graphics at the chest, back and sleeves.

✶ **Free Shipping\*\***

List Price: \$59.99\*  
 Our Price: \$49.99

## FEATURED ITEMS



adidas Notre Dame Replica Football Jersey  
 ✶ **Free Shipping\*\***

Our Price: \$44.99



Champion Penn St. Nittany Lions Big 10 Champs T-Shirt

✶ **Free Shipping\*\***

Our Price: \$17.99

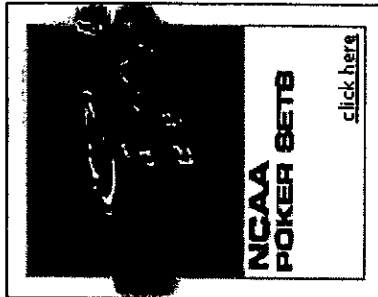
## HOW TO

**Determine Your Hat Size**  
 What's your hat size? Don't know? Check here for help with measurement and sizing.

**BUYERS GUIDES**  
 Sports Caps

**SIZING CHARTS BY BRAND**  
 Antigua Sizing Chart

**BUYERS GUIDES**  
 Determine Your Shoe Size



Fresno State Bulldogs  
Georgetown Hoyas  
Georgia Bulldogs  
Georgia Tech Yellow Jackets  
Gonzaga Bulldogs  
Hawaii Rainbows  
Houston Cougars  
Idaho Vandals  
Illinois Fighting Illini  
Illinois State Redbirds  
Indiana Hoosiers  
Iowa Hawkeyes  
Iowa State Cyclones  
Kansas Jayhawks  
Kansas State Wildcats  
Kentucky Wildcats  
LSU Tigers  
Louisville Cardinals  
Maine Black Bears  
Marines  
Marquette Golden Eagles  
Marshall Thundering Herd  
Maryland Terrapins  
Massachusetts Minutemen  
Memphis Tigers  
Miami Hurricanes  
Miami, Oh Redhawks  
Michigan Wolverines  
Michigan State Spartans  
Minnesota Golden Gophers  
Minnesota-Duluth Bulldogs  
Mississippi Rebels  
Mississippi State Bulldogs  
Missouri Tigers  
Montana Grizzlies  
Navy Midshipmen  
Nebraska Cornhuskers  
New Mexico Lobos  
New Mexico State Aggies  
North Carolina Tar Heels  
North Carolina State Wolfpack  
North Dakota Sioux

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[San Jose State Spartans](#)  
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[South Florida Bulls](#)  
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[St. John's Red Storm](#)  
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[Tennessee Volunteers](#)  
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[Tulane Green Wave](#)  
[Tulsa Golden Hurricane](#)  
[UCLA Bruins](#)  
[Univ. of Mississippi Rebels](#)  
[USC Trojans](#)  
[Utah Utes](#)  
[Vanderbilt Commodores](#)  
[Villanova Wildcats](#)  
[Virginia Cavaliers](#)  
[Virginia Tech Hokies](#)  
[Wake Forest Demon Deacons](#)  
[Washington Huskies](#)  
[Washington State Cougars](#)  
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[Wisconsin Badgers](#)

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[March Madness 2005](#)

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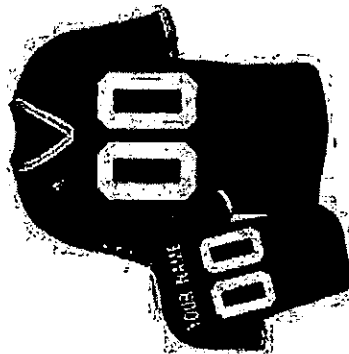
SEARCH By Keyword or

Home > Fan/Pro Shop > NCAA > South Carolina Gamecocks

#### SHOP MORE

#### SOUTH CAROLINA GAMECOCKS

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- Collectibles
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- Garden Furnishings
- Gifts
- Golf
- Hats
- Helmets
- Home Furnishings
- Jerseys
- Jewelry
- Kids
- Office Furnishings
- Photos / Prints
- Polos
- South Carolina
- Gamecocks Billiards
- Sweatshirts / Fleece
- T-Shirts
- Tailgating
- Watches
- Women's



#### adidas South Carolina Gamecocks Customized Replica Football Jersey

This product is being customized/personalized specifically for you and requires 2-3 weeks for production and delivery. Orders for personalized products CANNOT BE RETURNED OR CANCELLED FOR ANY REASON. CHANGES CAN NOT BE MADE TO PERSONALIZATION AFTER ORDER HAS BEEN PLACED. All personalized products are shipped via standard ground delivery. Expedited delivery is not available.

**Free Shipping Eligible!\*\***

**Our Price: \$59.99**

#### HOW TO

Sports Caps From style to construction, our guide will help you choose a functional, great-looking hat.

#### BUYERS GUIDES

Determine Your Hat Size

#### FEATURED ITEMS



Cadre Athletic South Carolina Gamecocks Embroidered T-Shirt

**Free Shipping \*\***

**Our Price: \$21.99**



Zephyr South Carolina Gamecocks DHS Fitted Hat

**Free Shipping \*\***

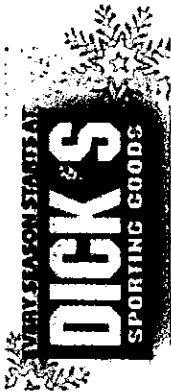
**Our Price: \$19.99**

\*List price is for reference only. No sales may have occurred at this price.

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Shop by Sport / Department ☐

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- [Jewelry](#)
- [Kids](#)
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- [USC Trojans Photos](#)
- [USC Trojans Tailgating](#)
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8 ITEMS

SEARCH All Brands ☐ Prices - Highest to Lowest ☐



[Wincraft USC Trojans Hard Hat](#)  
➤ ☐ **Free Shipping\*\***  
Our Price: \$29.99



[Top of the World USC Trojans 1-Fit Stretch Cap](#)  
➤ ☐ **Free Shipping\*\***  
Our Price: \$19.99



[Zephyr USC Trojans DHS Fitted Hat](#)  
➤ ☐ **Free Shipping\*\***  
Our Price: \$19.99



[Zephyr USC Trojans DHS Fitted Hat](#)  
➤ ☐ **Free Shipping\*\***  
Our Price: \$19.99



[Zephyr USC Trojans Youth ZHS Fit Hat](#)  
➤ ☐ **Free Shipping\*\***  
List Price: \$21.99\*  
Our Price: \$18.99



[Zephyr USC Trojans Youth ZH Fit Hat](#)  
➤ ☐ **Free Shipping\*\***  
List Price: \$21.99\*  
Our Price: \$18.99



[Top of the World USC Trojans Conference Hat](#)  
➤ ☐ **Free Shipping\*\***  
Our Price: \$15.99



[Top of the World USC Trojans Orange Bowl 2004 National Champions Hat](#)  
➤ ☐ **Free Shipping\*\***  
List Price: \$19.99\*

Our Price: \$12.97

8 ITEMS

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\*\*See product page for details.

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Shop by Sport / Department ☐

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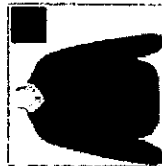
SHOP MORE

USC TROJANS

- Bedding
- Bottoms
- Casual
- Clocks
- Collectibles
- Golf
- Hats
- Holiday / Christmas
- Home Furnishings
- Jackets
- Jewelry
- Kids
- Polos
- Sweatshirts / Fleece
- T-Shirts
- USC Trojans Photos
- USC Trojans Tailgating
- Women's

7 ITEMS

SEARCH All Brands ☐ Prices - Highest to Lowest ☐



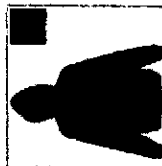
Antiqua USC Trojans Contender  
Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$60.99



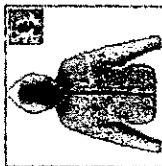
Cadre Athletic USC Trojans  
Signature Embroidered  
Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$59.99



Antiqua USC Trojans Goalie  
Hooded Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$49.99



Antiqua USC Trojans 2005  
Orange Bowl Hooded Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$49.99



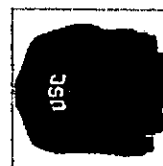
Cadre Athletic USC Trojans  
Embroidered Hooded Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$44.99



Cadre Athletic USC Trojans  
Embroidered Hooded Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$44.99



Cadre Athletic USC Trojans Tide  
Embroidered Sweatshirt

>(\$ Free Shipping\*\*  
Our Price: \$39.99

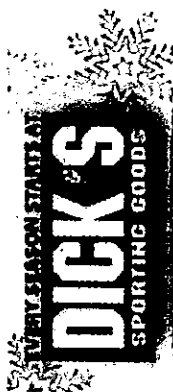
7 ITEMS

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Home > Fan/Pro Shop > NCAA > USC Trojans > T-Shirts

SHOP MORE

USC TROJANS

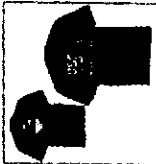
- Bedding
- Bottoms
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- Polos
- Sweatshirts / Fleece
- T-Shirts
- USC Trojans Photos
- USC Trojans Tailgating
- Women's

SEARCH All Brands

Prices - Highest to Lowest

GO

10 ITEMS [ 1 ] 2



Reebok USC Trojans Reggie Bush 2005 Heisman Winner T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$17.99

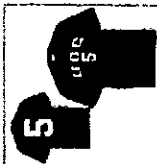


Reebok USC Trojans Matt Leinart 2005 Heisman Winner T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$17.99

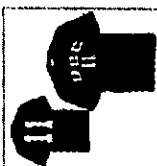


Champion USC Trojans #5 Replica Jersey Player T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$16.99

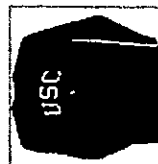


Champion USC Trojans #11 Replica Jersey Player T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$16.99

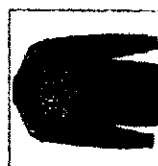


Cadre Athletic USC Trojans Embroidered Long Sleeve T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$24.99



Cadre Athletic USC Trojans Embroidered Long Sleeve T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$24.99

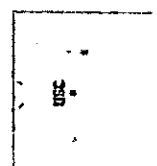


Cadre Athletic USC Trojans Embroidered T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$21.99



Cadre Athletic USC Trojans Embroidered T-Shirt

>(\$)

Free Shipping\*\*

Our Price: \$21.99

10 ITEMS [ 1 ] 2 ▶

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Shop by Sport / Department ☐ SEARCH BY Keyword or ☐ ☐

Home > Fan/Pro Shop > NCAA > USC Trojans > T-Shirts

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USC TROJANS

- Bedding
- Bottoms
- Casual
- Clocks
- Collectibles
- Golf
- Hats
- Holiday / Christmas
- Home Furnishings
- Jackets
- Jewelry
- Kids
- Polos
- Sweatshirts / Fleece
- T-Shirts**
- USC Trojans Photos
- USC Trojans Tailgating
- Women's

SEARCH All Brands ☐ Prices - Highest to Lowest ☐

GO

10 ITEMS 1 [ 2 ]



Step Ahead USC Trojans Home Field Advantage T-Shirt  
Free Shipping\*\*  
Our Price: \$14.99



Step Ahead USC Fear The Trojans T-Shirt  
Free Shipping\*\*  
Our Price: \$14.99

10 ITEMS 1 [ 2 ]

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APPLICANT'S EXHIBIT 12

**REDACTED**

Entire Exhibit No. 12

**HIGHLY CONFIDENTIAL**

APPLICANT'S EXHIBIT 13

Opposition No. 125,615  
Univ. of So. Cal. v. Univ. of S. Carolina

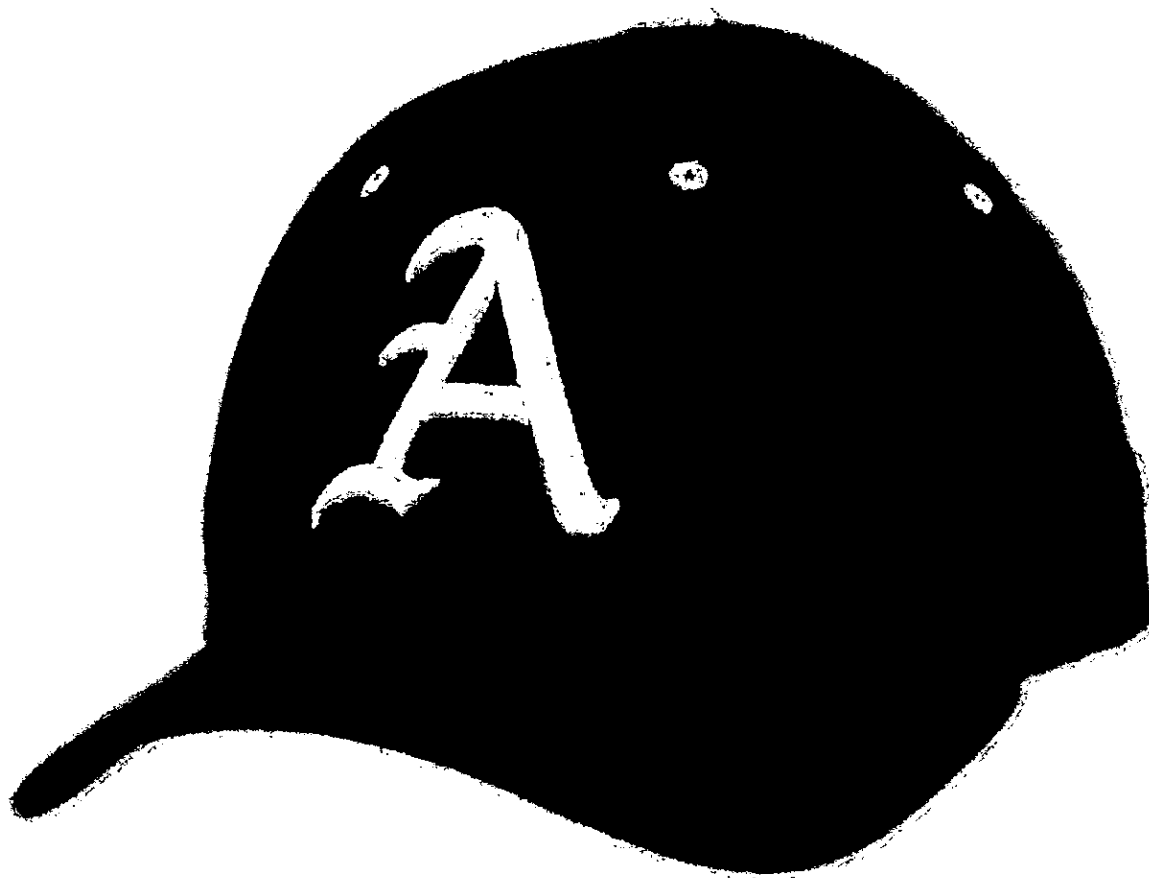
Applicant's Ex. 13



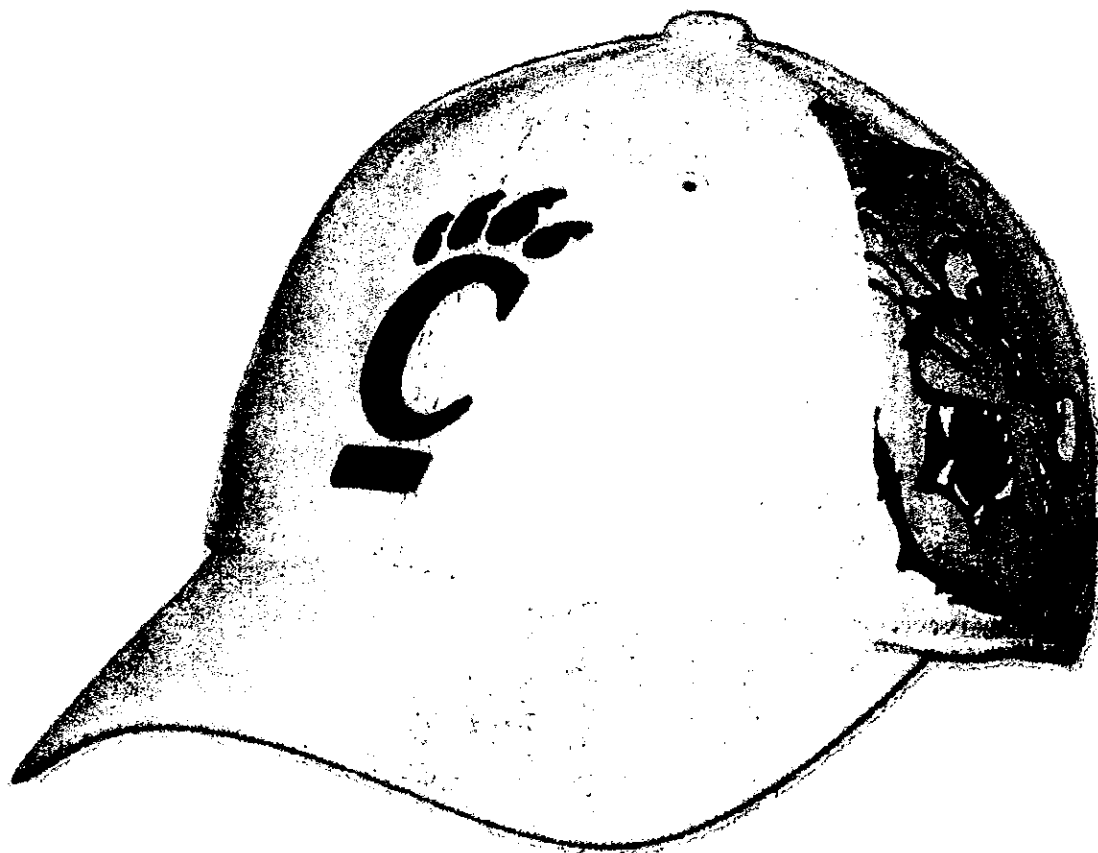
Deft(s) 12 Plf(s) \_\_\_\_\_ EXHIBIT for I.D.  
LINDA A. BANKEY, CSR # 7993  
Date: 8-17-05  
Witness: Stimmler

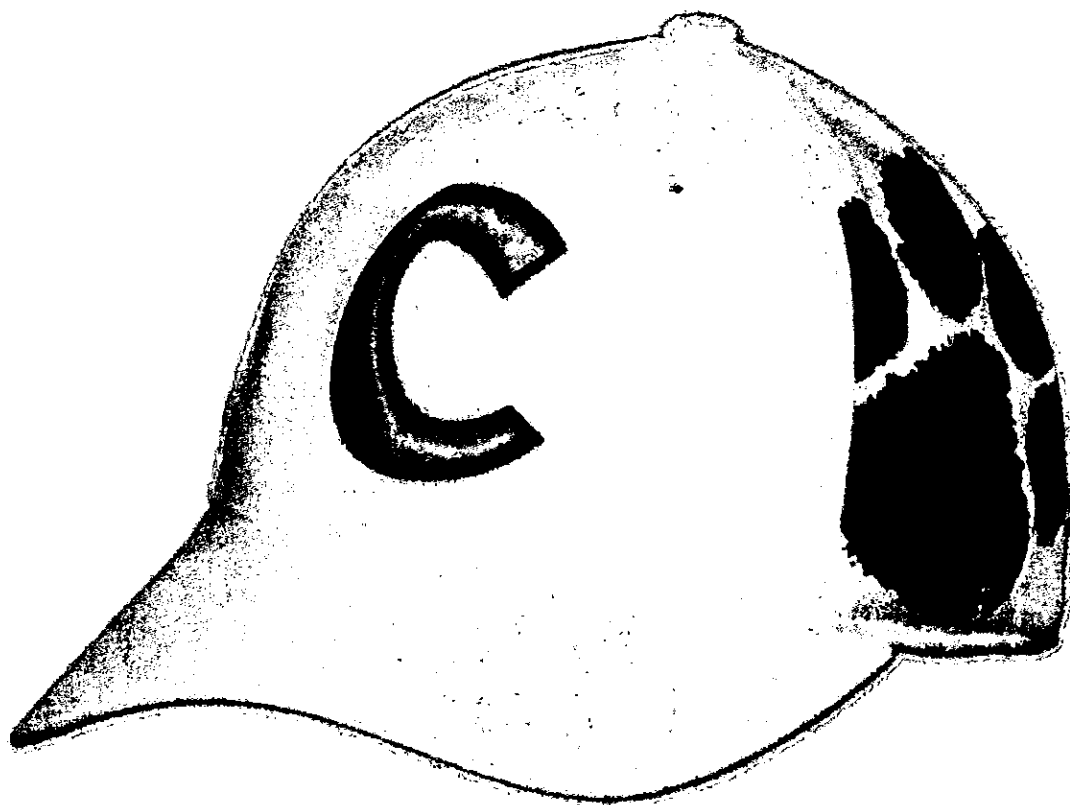


APPLICANT 03574



APPLICANT 03575



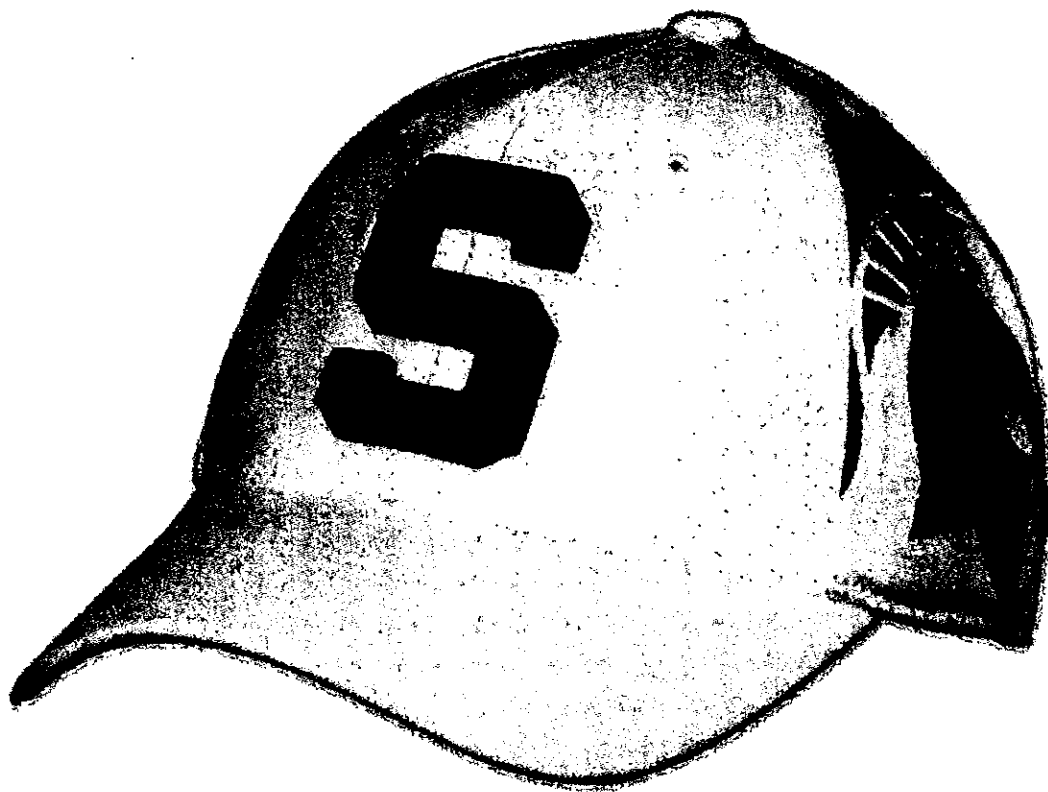


















**OPPOSER'S EXHIBIT** 298



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Subtotal: \$0.00

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Product Search Keyword or style #  
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Fresh Goods Friday | Passport Club | Create Your Own | Email Sign Up | Gift Cards | Sizing Chart | Shipping | Return Policy | Privacy Policy

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► NFL

► NBA

► NCAA

SHOP BY TEAM

APPAREL

WOMENS

GREEK LIFE

2 FOR \$20

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► HELMETS

► APPAREL

► WOMEN

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#### YOUR TEAM

MLB

NFL

NBA

NCAA

NHL

RACING

Home : NCAA : Alabama Crimson Tide : Style 20043998



#### Alabama Crimson Tide

#### Zephyr Graphics "Pipe Dream"

Price: \$22.99 Club Price: \$18.39

Style: 20043998

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: Crimson

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

The Pipe Dream features features an embroidered team logo on the front and a secondary logo on the back. This cap is a stretch-fit and made of Wool/Spandex.

View all Zephyr Graphics Pipe Dream

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Opposer's  
Ex. No. 278, Pg. No.     



Create Your Own Hat

#### Other Items



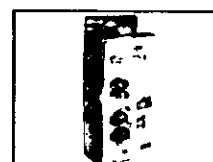
Pipe Dream  
Stretch-Fit | \$22.99  
Club Price \$18.39



Pipe Dream  
Stretch-Fit | \$22.99  
Club Price \$18.39



College Beveled Wall  
Mirror  
\$40.00  
Club Price \$36.00



Cap Rack Jr.  
\$16.99  
Club Price \$13.59



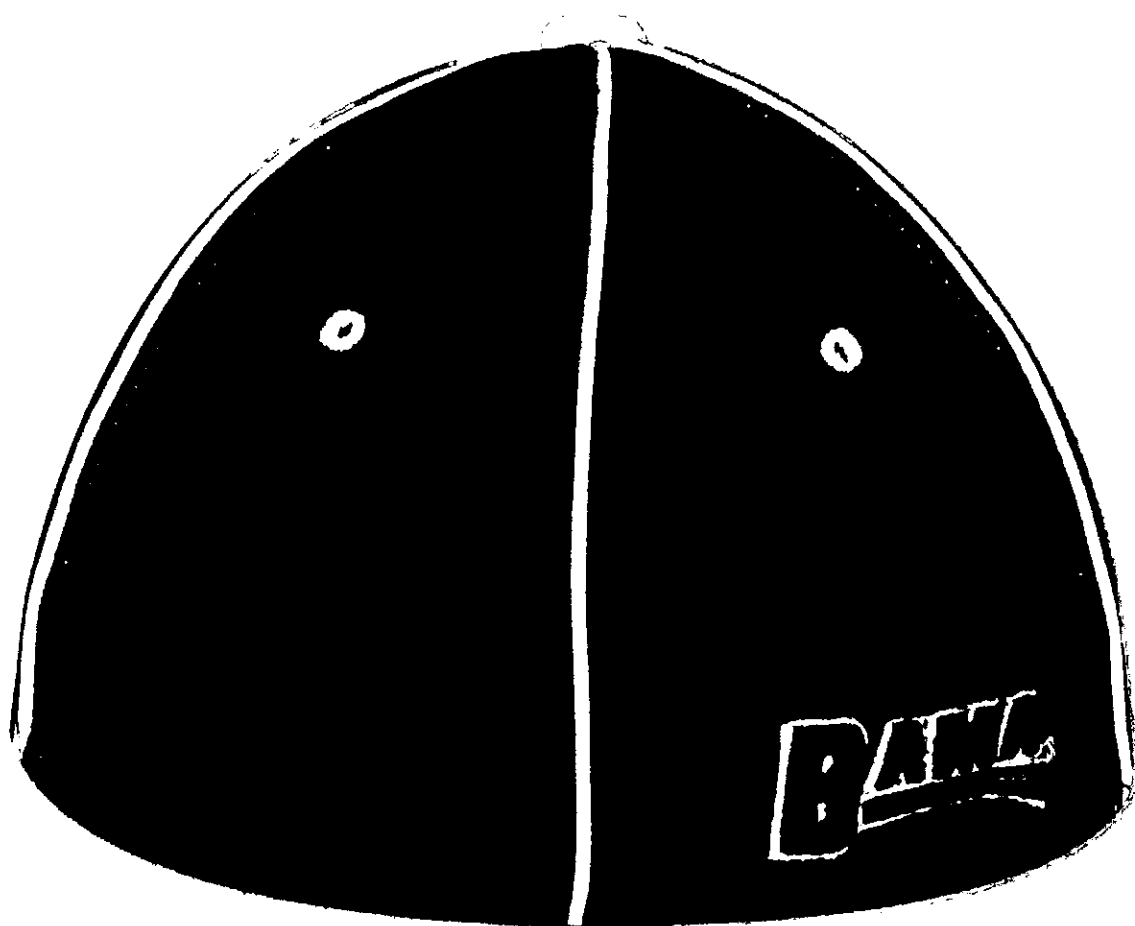
LIDS Gift Card

Company Information  
In The News  
Career Opportunities

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**OPPOSER'S EXHIBIT 299**



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Subtotal: \$0.00 | My Account  
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## SHOP BY

## HOT STYLES

MLB

NFL

NBA

NCAA

## SHOP BY TEAM

APPAREL

WOMENS

GREEK LIFE

2 FOR \$20

NATIONAL CHAMPIONS

NHL

RACING

BRANDS

POP CULTURE

HELMETS

APPAREL

WOMEN

KIDS

ACCESSORIES

CLEARANCE SALE

## YOUR TEAM

MLB

NFL

NBA

NCAA

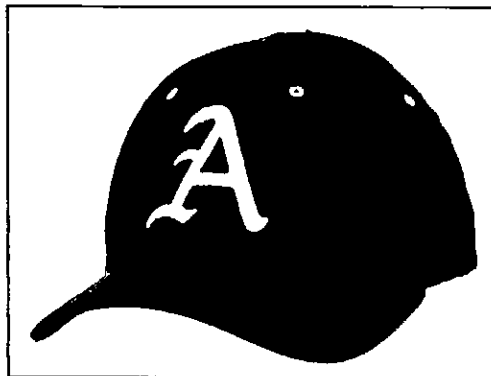
NHL

RACING



Create Your Own Hat

Home : NCAA : Arkansas Razorbacks : Style 20029972



## Arkansas Razorbacks

## Zephyr Graphics "DH Z-Fit"

Price: \$21.99 Club Price: \$17.59

Style: 20029972

Quantity 1

Size

Size Not In Stock?

Buy One Get One Half Off

Free Shipping Details

Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

## Product Details

Color: CardinalRed

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Z-Fit

Perfect for the active and the athletic, the DH Zfit baseball cap also has the DH style's practical low-profile crown and pre-curved bill. Buy it. Wear it. No fussing necessary. Combining the comfort and durability of Zephyr Headwear's leading style with its latest Zfit high-tech acrylic-spandex stretch fabric, this next generation baseball cap boasts the smooth fit that stays put. The baseball cap comes with your team's primary logo on the crown and the secondary logo on the back in raised embroidery.

View all Zephyr Graphics DH Z-Fit

## Product Promotions

## Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

## Free Shipping

• Spend \$50 or more on lids.com and ground shipping is free!

• You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

Opposer's  
Ex. No. 29, Pg. No. 1

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

## Other Items



NCAA Easy Fitted  
Fitted | \$24.99  
Club Price \$19.99



DH Z-Fit  
Z-Fit | \$21.99  
Club Price \$17.59



Billboard Z Fit  
Stretch-Fit | \$22.99  
Club Price \$18.39



Cap Care Kit  
\$14.99  
Club Price \$13.49



LIDS Gift Card

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**OPPOSER'S EXHIBIT 300**



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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

##### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

##### NATIONAL CHAMPIONS

##### ► NHL

##### ► RACING

##### ► BRANDS

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##### ► HELMETS

##### ► APPAREL

##### ► WOMEN

##### ► KIDS

##### ► ACCESSORIES

##### ► CLEARANCE SALE

#### YOUR TEAM

##### MLB

##### NFL

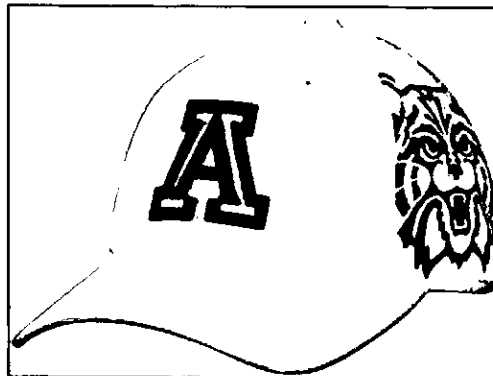
##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Arizona Wildcats : Style 20047514



#### Arizona Wildcats

#### Top of the World "Sidewinder"

Price: \$22.99 Club Price: \$18.39

Style: 20047514

Quantity 1

L/XL

Add to Cart

In Stock - leaves within 1-2 business days (Details)

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

View More Images

[Online Guide to Finding the Right Hat Size](#)

#### Product Details

Color: White

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

The Sidewinder, by Top of the World, features an embroidered team logo on the front, team name on the back and team logo on the side panel. This cap is made of Acrylic and Spandex.

[View all Top of the World Sidewinder](#)

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

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##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes Items marked as 'Special Order'

\*Excludes Items purchased at LIDS CREATE YOUR OWN

Opposer's

Ex. No. 52, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



Create Your Own Hat

#### Other Items



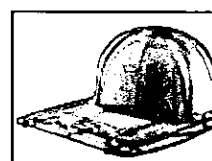
Apprentice  
Stretch-Fit | \$22.99  
Club Price \$18.39



Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



Womens Team Spirit  
Adjustable | \$17.99  
Club Price \$14.39



Ball Cap Buddy  
\$4.99  
Club Price \$4.49



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**OPPOSER'S EXHIBIT 301**



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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

##### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

##### NATIONAL CHAMPIONS

##### ► NHL

##### ► RACING

##### ► BRANDS

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##### ► HELMETS

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##### ► WOMEN

##### ► KIDS

##### ► ACCESSORIES

##### ► CLEARANCE SALE

#### YOUR TEAM

##### MLB

##### NFL

##### NBA

##### NCAA

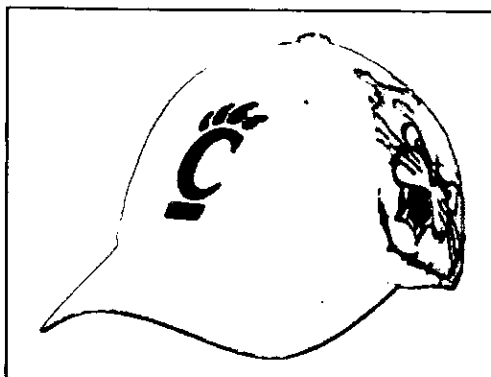
##### NHL

##### RACING



Create Your Own Hat

Home : NCAA : Cincinnati Bearcats : Style 20047523



#### Cincinnati Bearcats

#### Top of the World "Sidewinder"

Price: \$22.99 Club Price: \$18.39

Style: 20047523

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: White

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

The Sidewinder, by Top of the World, features an embroidered team logo on the front, team na on the back and team logo on the side panel. This cap is made of Acrylic and Spandex.

View all Top of the World Sidewinder

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

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##### Free Shipping

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\*Excludes items purchased at LIDS CREATE YOUR OWN

Opposer's

Ex. No. 30, Pg. No. \_\_\_\_

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

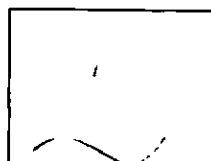
#### Other Items



Team Colored Sheen  
Stretch-Fit | \$10.00  
Club Price \$8.00



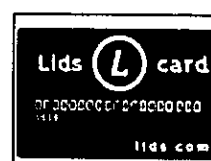
Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



NCAA White On  
White Tonal  
Stretch-Fit | \$22.99  
Club Price \$18.39



Cap Rack Jr.  
\$16.99  
Club Price \$13.59



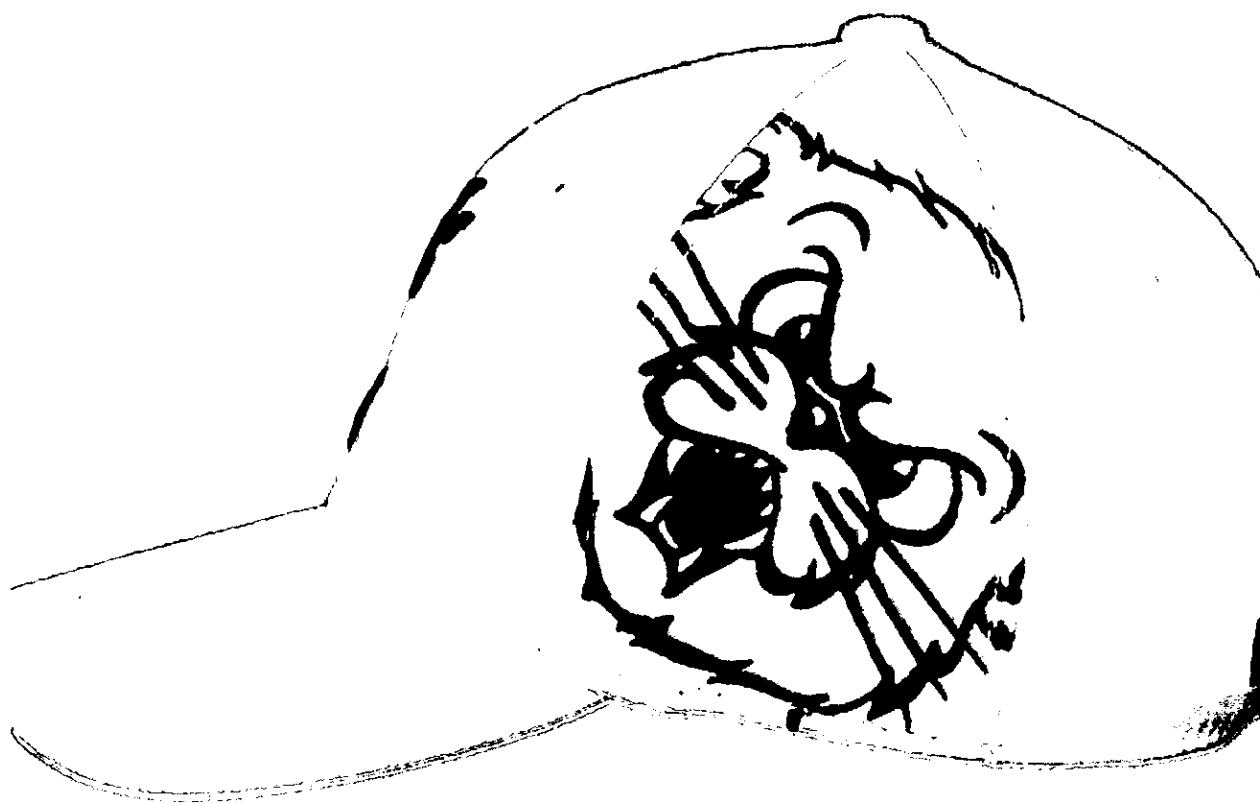
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**OPPOSER'S EXHIBIT 302**



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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

##### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

##### NATIONAL CHAMPIONS

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##### ► KIDS

##### ► ACCESSORIES

##### ► CLEARANCE SALE

#### YOUR TEAM

##### MLB

##### NFL

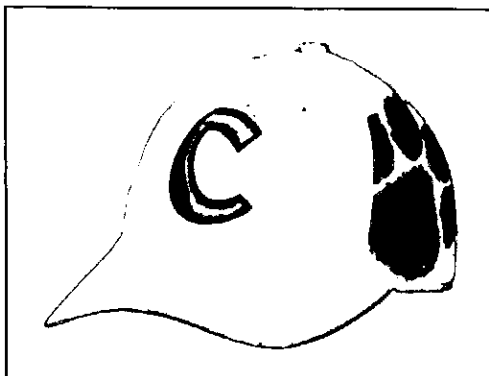
##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Clemson Tigers : Style 20047524



#### Clemson Tigers

#### Top of the World "Sidewinder"

Price: \$22.99 Club Price: \$18.39

Style: 20047524

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: White

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

The Sidewinder, by Top of the World, features an embroidered team logo on the front, team name on the back and team logo on the side panel. This cap is made of Acrylic and Spandex.

View all Top of the World Sidewinder

#### Product Promotions

##### Buy One Get One Half Off

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\*Excludes items purchased at LIDS CREATE YOUR OWN

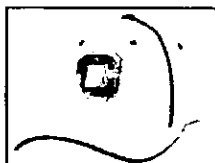
Opposer's  
Ex. No. 32 Pg. No. 1

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



Create Your Own Hat

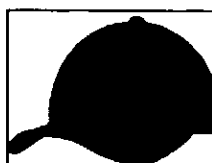
#### Other Items



Bubba White  
Campus Camo  
Z-Fit | \$22.99  
Club Price \$18.39



Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



Static  
Stretch-Fit | \$22.99  
Club Price \$18.39



Water and Stain  
Repellent  
\$5.99  
Club Price \$5.39

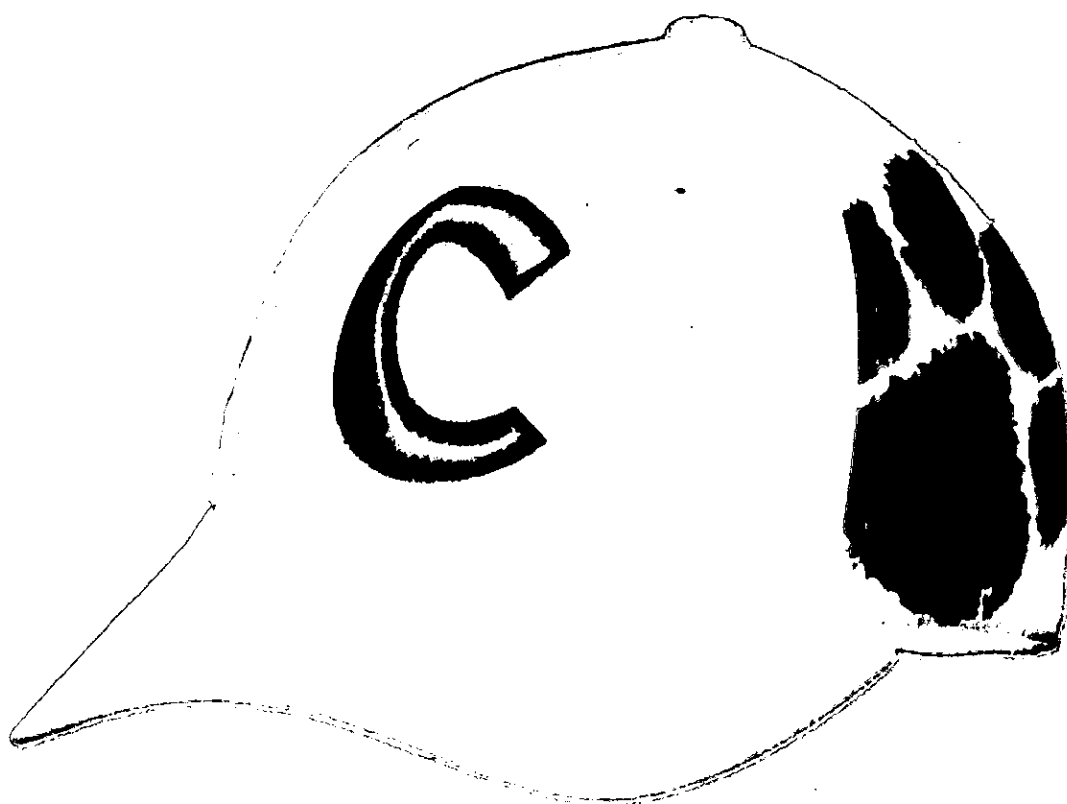


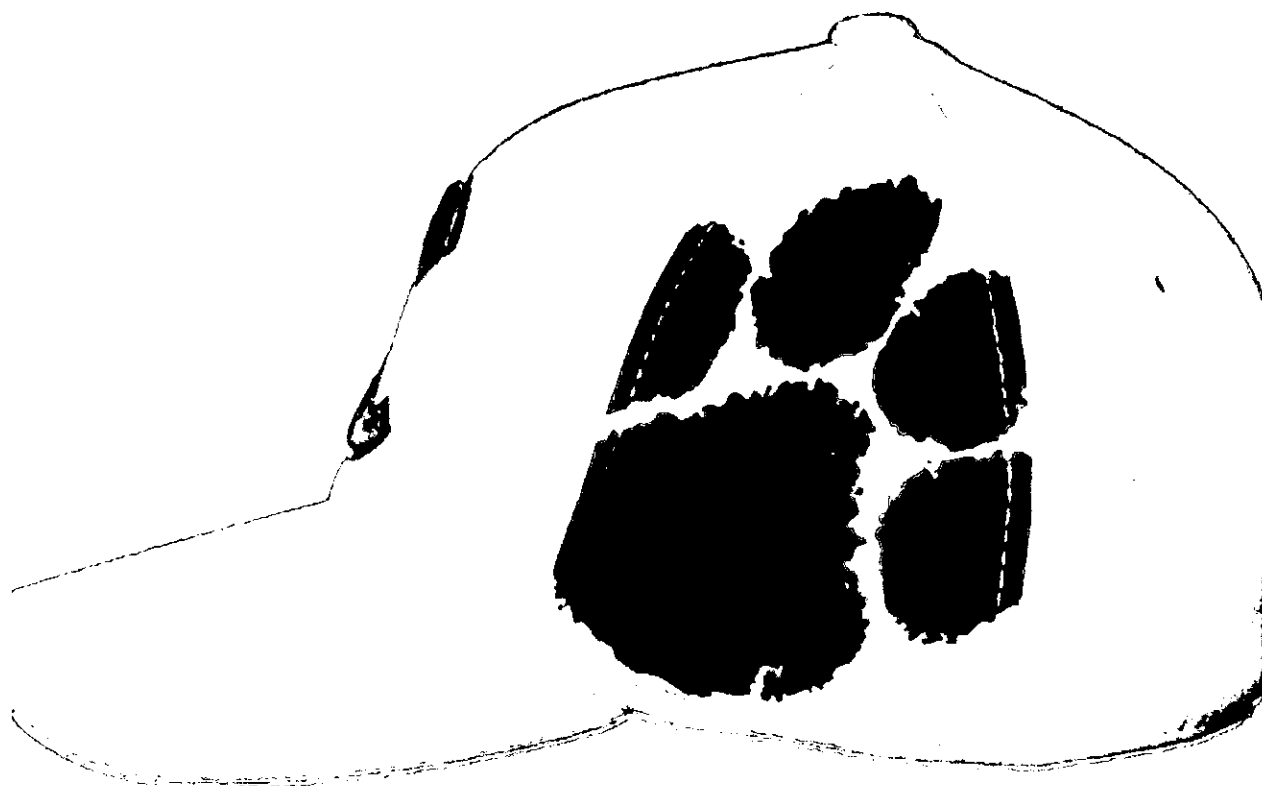
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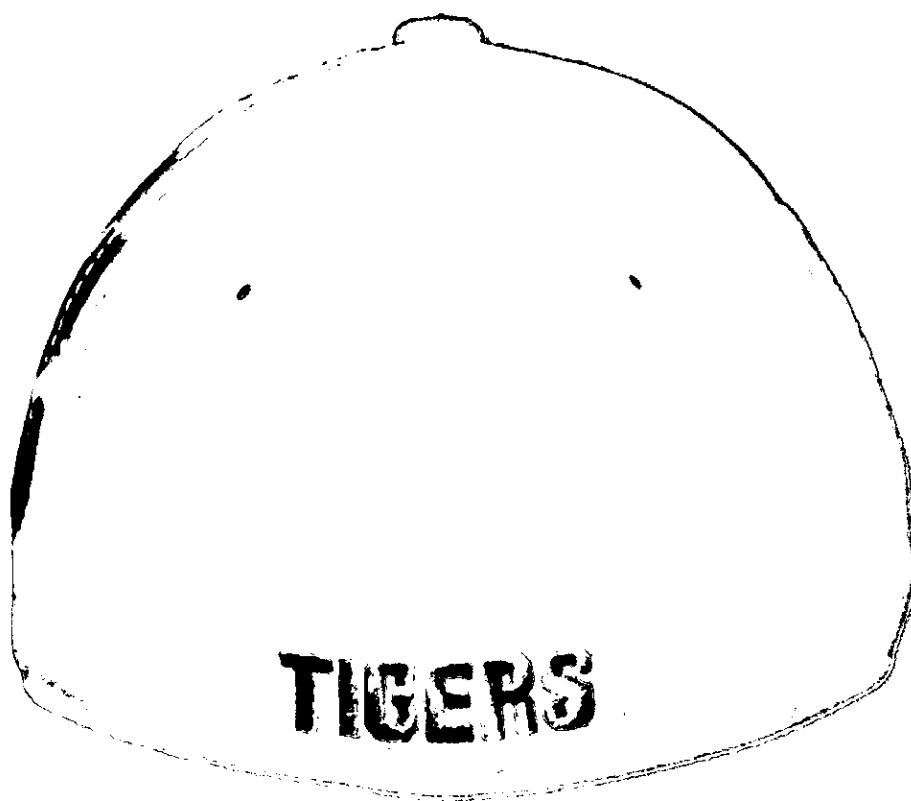
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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

#### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

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##### ► BRANDS

##### ► POP CULTURE

##### ► HELMETS

##### ► APPAREL

##### ► WOMEN

##### ► KIDS

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#### YOUR TEAM

##### MLB

##### NFL

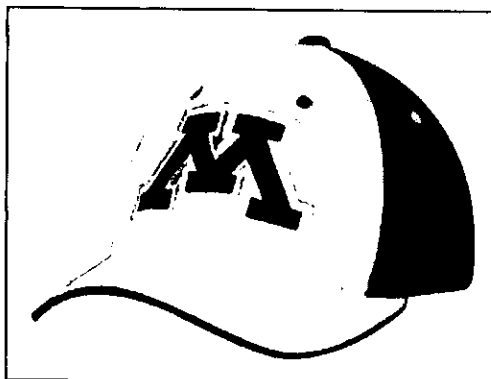
##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Minnesota Golden Gophers : Style 20045259



#### Minnesota Golden Gophers

#### Zephyr Graphics "Goliath WF"

Price: \$22.99 Club Price: \$18.39

Style: 20045259

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: White/Maroon

Fabric: Wool/Acrylic

Structure: Original Stretch-fit

Closure: Z-Fit

This cap features the team logo on the front and a secondary logo on the back. Stretch-Fitted and made of an Acrylic/Wool Blend of materials.

View all Zephyr Graphics Goliath WF

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

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##### Free Shipping

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\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

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Opposer's

Ex. No. 303, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



Create Your Own Hat

#### Other Items



NCAA Highlight TC  
Stretch-Fit | \$10.00  
Club Price \$8.00



Goliath WF  
Z-Fit | \$22.99  
Club Price \$18.39



Womens Reglan  
Long Sleeve Tee  
\$25.00  
Club Price \$22.50



Cap Care Kit  
\$14.99  
Club Price \$13.49



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##### SHOP BY TEAM

##### APPAREL

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##### GREEK LIFE

##### 2 FOR \$20

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#### YOUR TEAM

##### MLB

##### NFL

##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Michigan Wolverines : Style 20045335



#### Michigan Wolverines

#### Top of the World "N-Charge TC"

Price: \$16.99 Club Price: \$13.59

Style: 20045335

Quantity 1

Adjustable ☐

Add to Cart

In Stock - leaves within 1-2 business days (Details)

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: Navy

Fabric: Wool/Acrylic

Structure: Original Adjustable

Closure: Adjustable

The N-Charge Features an embroidered Logo on the front with team name on the velcro closure.  
Made of Wool/Acrylic.

View all Top of the World N-Charge TC

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

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\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN



Create Your Own Hat

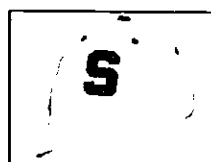
#### Other Items



Billboard Z Fit  
Stretch-Fit | \$22.99  
Club Price \$18.39



N-Charge TC  
Adjustable | \$16.99  
Club Price \$13.59



White OneFit  
1-Fit | \$21.99  
Club Price \$17.59



Water and Stain  
Repellent  
\$5.99  
Club Price \$5.39



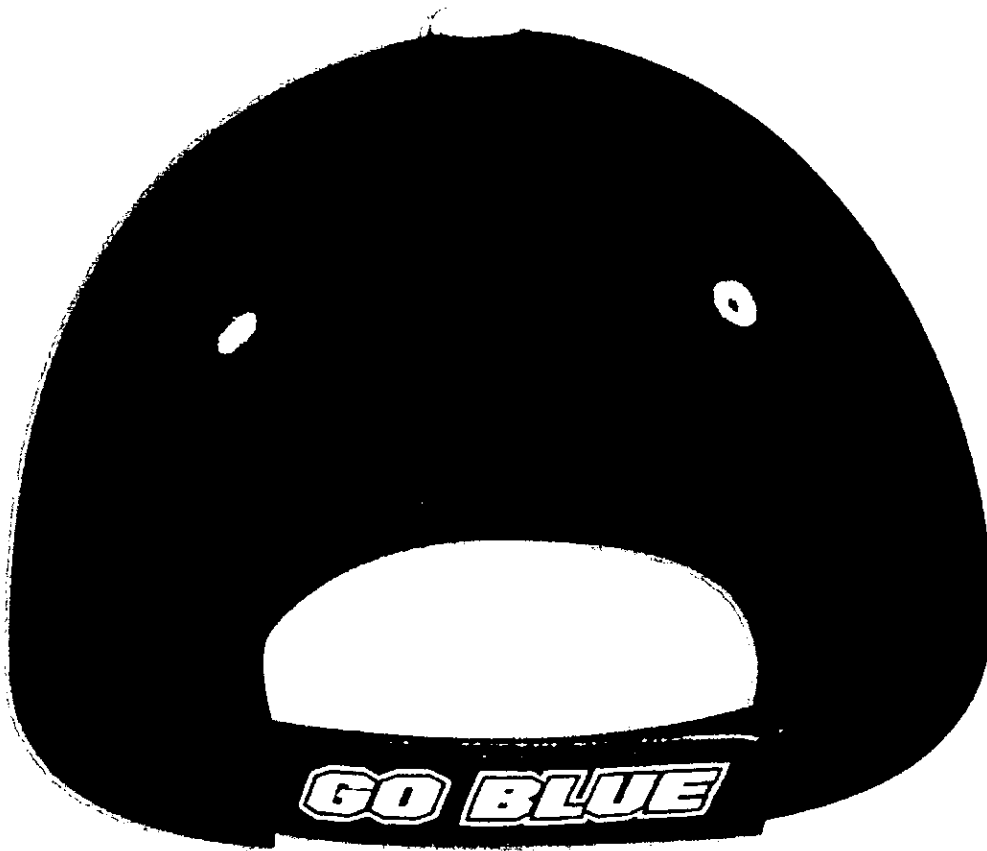
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Home : NCAA : Michigan State Spartans : Style 20047553

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SHOP BY TEAM

APPAREL

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YOUR TEAM

MLB

NFL

NBA

NCAA

NHL

RACING



## Michigan State Spartans

### Top of the World "Sidewinder"

Price: \$22.99 Club Price: \$18.39

Style: 20047553

Quantity 1

M/L

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

View More Images

Online Guide to Finding the Right Hat Size

### Product Details

Color: White

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

The Sidewinder, by Top of the World, features an embroidered team logo on the front, team name on the back and team logo on the side panel. This cap is made of Acrylic and Spandex.

View all Top of the World Sidewinder

### Product Promotions

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\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN



Create Your Own Hat

### Other Items



NCAA TC Shadow  
Z-Fit | \$22.99  
Club Price \$18.39



Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



Pinstripe 06  
Fitted | \$34.99  
Club Price \$27.99



Solution Cleaner  
\$4.99  
Club Price \$4.49



LIDS Gift Card

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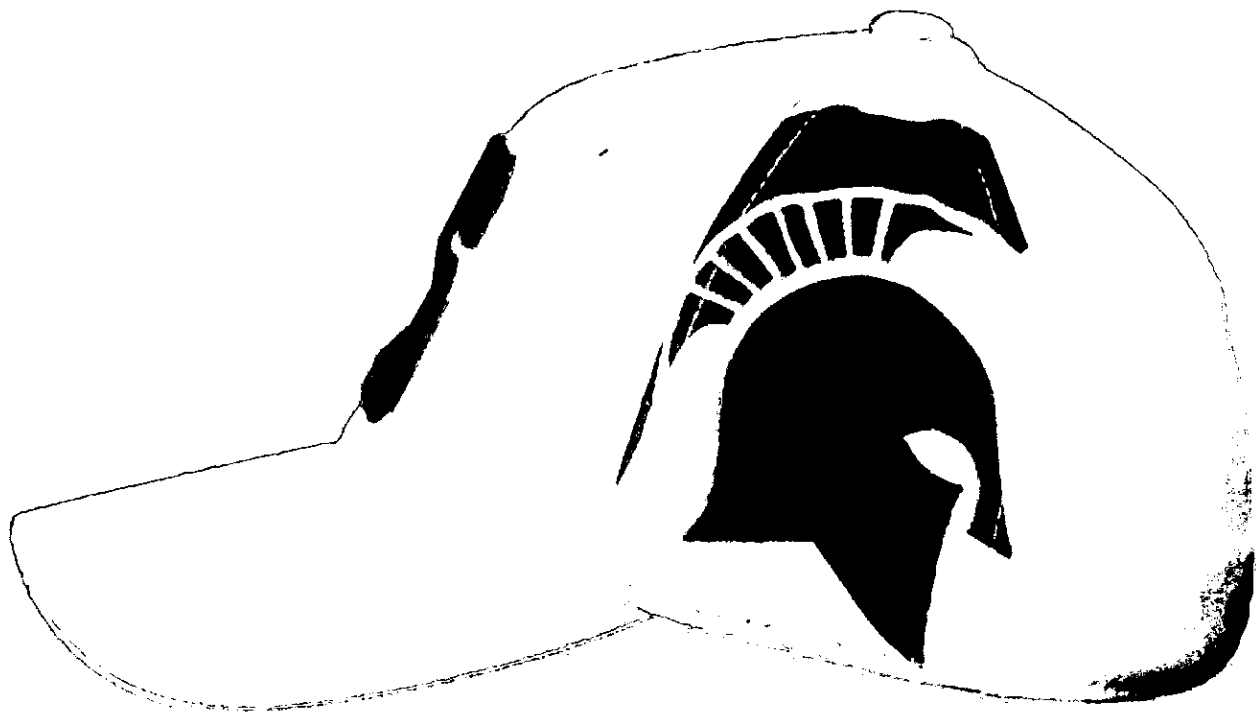
Affiliate Program

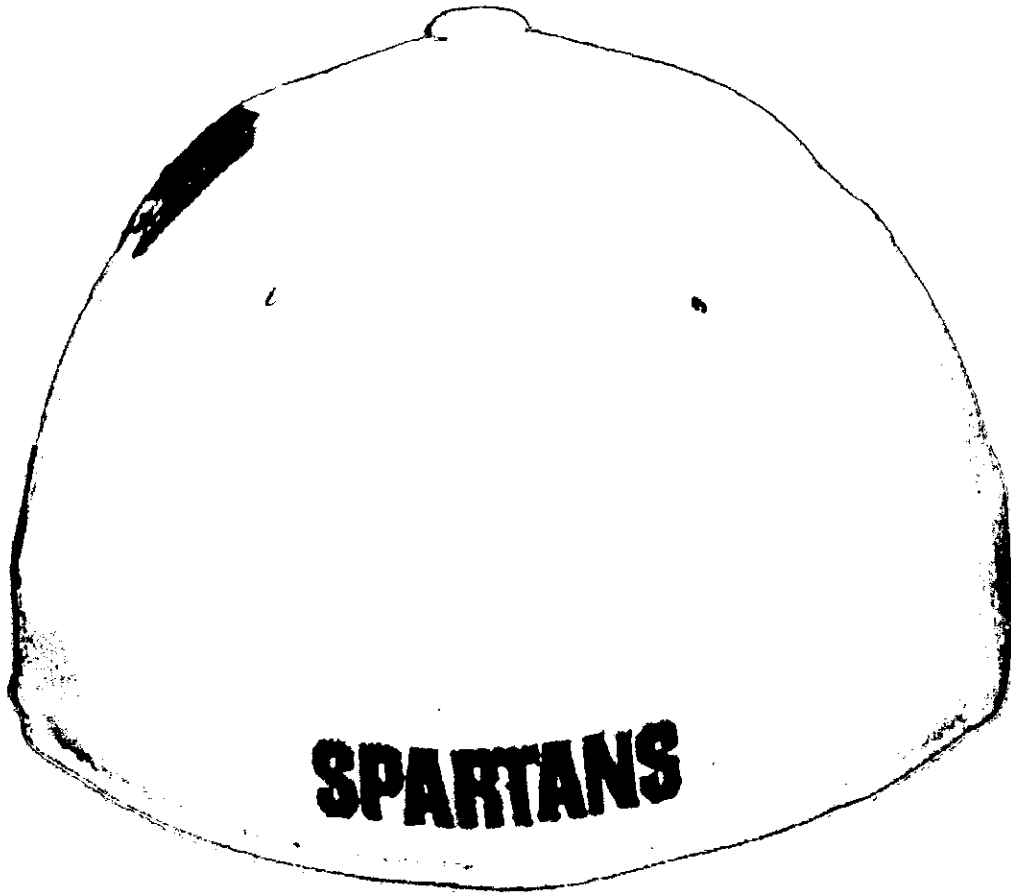
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#### SHOP BY

##### ► HOT STYLES

► MLB

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► NCAA

#### SHOP BY TEAM

APPAREL

WOMENS

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► POP CULTURE

► HELMETS

► APPAREL

► WOMEN

► KIDS

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► CLEARANCE SALE

#### YOUR TEAM

MLB

NFL

NBA

NCAA

NHL

RACING

Home : NCAA : Stanford Cardinal : Style 20027986



#### Stanford Cardinal

#### Top of the World "NCAA White Highlight"

Price: \$22.99 Club Price: \$18.39

Style: 20027986

Quantity 1

M/L

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: Cardinal

Fabric: Wool/Spandex Blend

Structure: Original Stretch-fit

Closure: Stretch-Fit

This cap features the team logo on the front and a secondary logo on the back. This cap has white front and back panels with team color side panels. Stretch-Fitted and made of an Acrylic/Wool Blend of materials.

View all Top of the World NCAA White Highlight

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!



\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.



##### Free Shipping



• Spend \$50 or more on lids.com and ground shipping is free!



• You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.



\*Excludes Gift Card purchases



\*Excludes items marked as 'Special Order'



\*Excludes items purchased at LIDS CREATE YOUR OWN



Create Your Own Hat

#### Other Items



White Chocolate II  
Z-Fit | \$21.99  
Club Price \$17.59



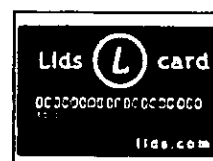
NCAA White  
Highlight  
Stretch-Fit | \$22.99  
Club Price \$18.39



Fab II  
Fitted | \$34.99  
Club Price \$27.99



Cap Rack 24  
\$22.99  
Club Price \$20.69



LIDS Gift Card

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Items: 0 | My Account  
Subtotal: \$0.00 | Order Status

Customer Care 1-888-564-HATS(4287)

Product Search Keyword or style #   
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## SHOP BY

## HOT STYLES

MLB

NFL

NBA

NCAA

## SHOP BY TEAM

APPAREL

WOMENS

GREEK LIFE

2 FOR \$20

NATIONAL CHAMPIONS

NHL

RACING

BRANDS

POP CULTURE

HELMETS

APPAREL

WOMEN

KIDS

ACCESSORIES

CLEARANCE SALE

## YOUR TEAM

MLB

NFL

NBA

NCAA

NHL

RACING



Create Your Own Hat

Home : NCAA : Ohio State Buckeyes : Style 20015784



## Ohio State Buckeyes

## Zephyr Graphics "DH Z-Fit"

Price: \$21.99 Club Price: \$17.59

Style: 20015784

Quantity 1

Size 

Size Not In Stock?  
Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

## Product Details

Color: Red  
Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit  
Closure: Z-Fit

Perfect for the active and the athletic, the DH Zfit baseball cap also has the DH style's practical low-profile crown and pre-curved bill. Buy it. Wear it. No fussing necessary. Combining the comfort and durability of Zephyr Headwear's leading style with its latest Zfit high-tech acrylic-spandex stretch fabric, this next generation baseball cap boasts the smooth fit that stays put. The baseball cap comes with your team's primary logo on the crown and the secondary logo on the back in raised embroidery.

View all Zephyr Graphics DH Z-Fit

## Product Promotions

## Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

## Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

## Other Items



Pledge  
Adjustable | \$14.99  
Club Price \$11.99



DH Z-Fit  
Z-Fit | \$21.99  
Club Price \$17.59



NCAA Platinum Flash  
1-Fit | \$21.99  
Club Price \$17.59



Cap Radio II  
\$14.99  
Club Price \$13.49

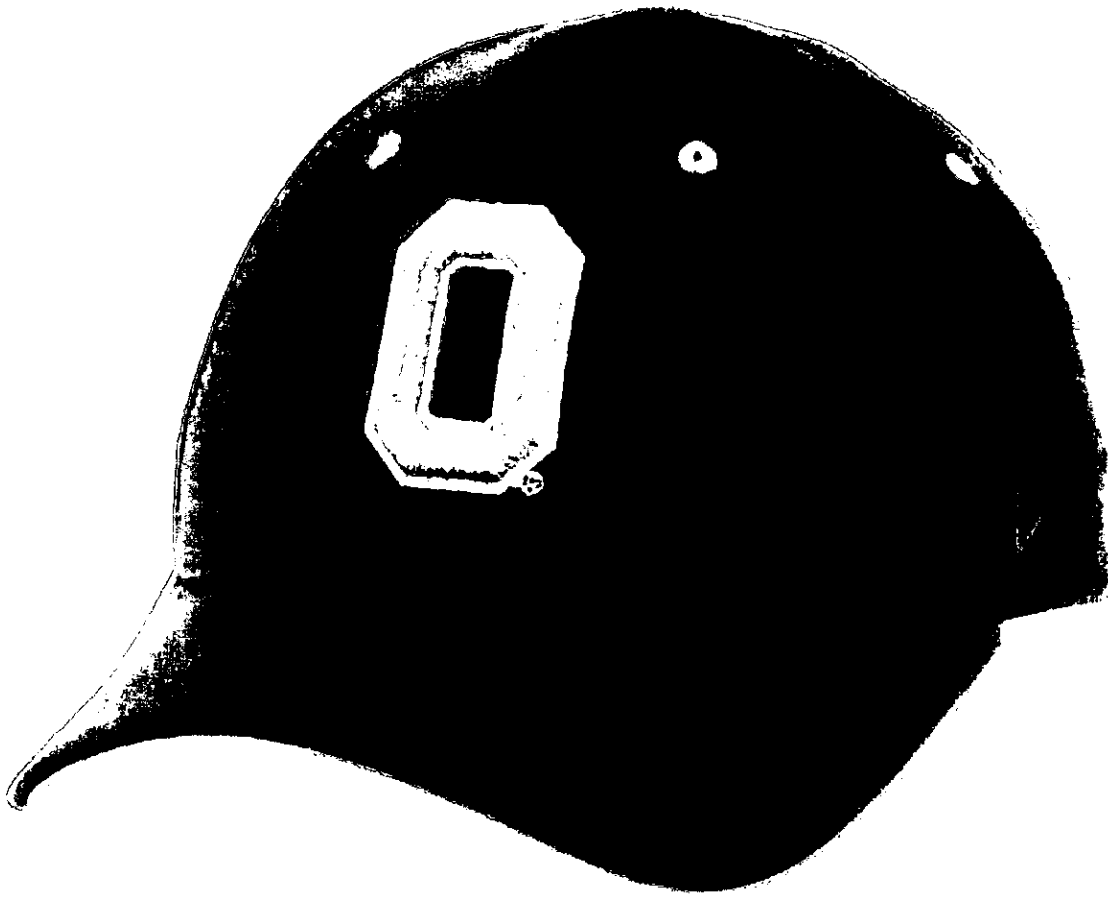


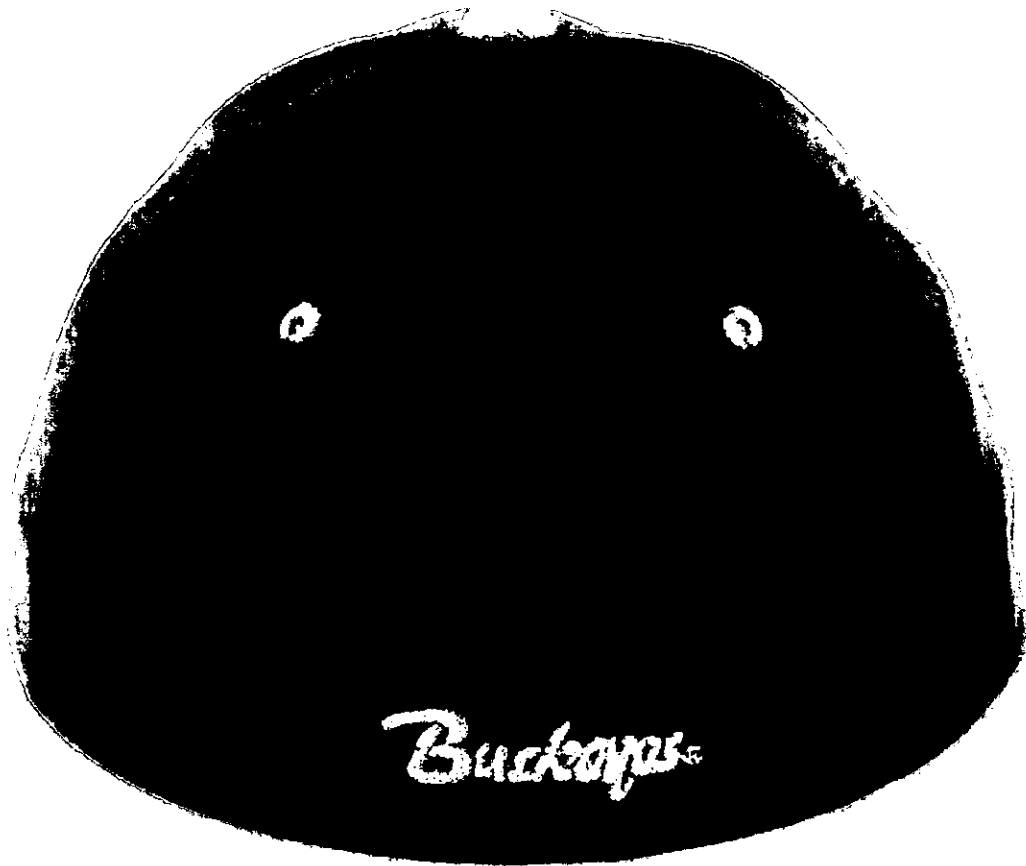
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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

##### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

##### NATIONAL CHAMPIONS

##### ► NHL

##### ► RACING

##### ► BRANDS

##### ► POP CULTURE

##### ► HELMETS

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##### ► KIDS

##### ► ACCESSORIES

##### ► CLEARANCE SALE

#### YOUR TEAM

##### MLB

##### NFL

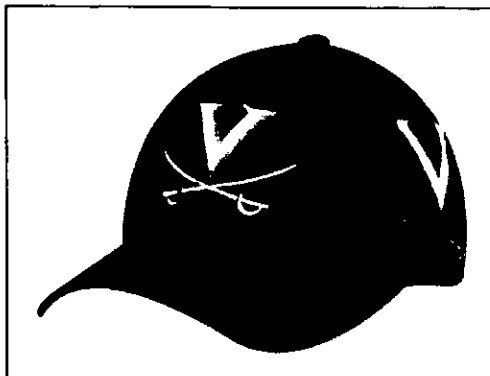
##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Virginia Cavaliers : Style 20047501



#### Virginia Cavaliers

#### Top of the World "Sidewinder"

Price: \$22.99 Club Price: \$18.39

Style: 20047501

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

#### Product Details

Color: Black  
Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit  
Closure: Stretch-Fit

The Sidewinder, by Top of the World, features an embroidered team logo on the front, team name on the back and team logo on the side panel. This cap is made of Acrylic and Spandex.

View all Top of the World Sidewinder

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN



Create Your Own Hat

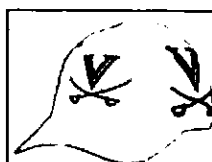
#### Other Items



NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



Sidewinder  
Stretch-Fit | \$22.99  
Club Price \$18.39



Cap Rack 24  
\$22.99  
Club Price \$20.69



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Advanced Search

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#### SHOP BY

► HOT STYLES

► MLB

► NFL

► NBA

► NCAA

SHOP BY TEAM

APPAREL

WOMENS

GREEK LIFE

2 FOR \$20

NATIONAL CHAMPIONS

► NHL

► RACING

► BRANDS

► POP CULTURE

► HELMETS

► APPAREL

► WOMEN

► KIDS

► ACCESSORIES

► CLEARANCE SALE

#### YOUR TEAM

MLB

NFL

NBA

NCAA

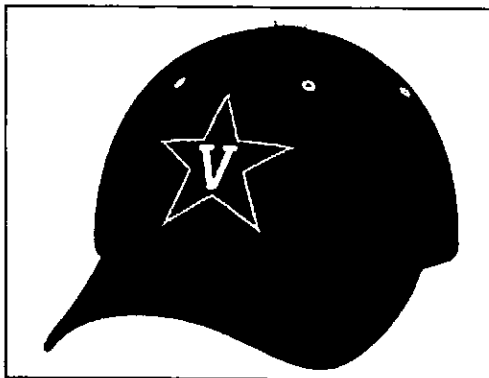
NHL

RACING



Create Your Own Hat

Home : NCAA : Vanderbilt Commodores : Style 20013204



#### Vanderbilt Commodores

#### Zephyr Headwear "DHS Z-Fit"

Price: \$21.99 Club Price: \$17.59

Style: 20013204

Quantity 1

S/M

Size Not In Stock?

Buy One Get One Half Off

Free Shipping Details

Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images



Online Guide to Finding the Right Hat Size

#### Product Details

Color: Black

Fabric: Acrylic/Wool Blend

Structure: Original Stretch-fit

Closure: Z-Fit

This next generation fitted cap has a smooth look with a snug fit. It combines the comfort and durability of Zephyr Headwear's leading style with a technologically advanced acrylic-spandex stretch fabric. Perfect for the active and the athletic, the fitted cap also has the DHS Zfit style's practical low-profile crown and pre-curved bill. Buy it. Wear it. Your hat will stay put. The DHS Zfit fitted cap also boasts a fashion twist. Your team's secondary logo is sewn on the crown and the primary logo on the back in raised embroidery.

View all Zephyr Headwear DHS Z-Fit

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

#### Other Items



Rage Z-Fit  
Stretch-Fit | \$22.99  
Club Price \$18.39



DHS Z-Fit  
Z-Fit | \$21.99  
Club Price \$17.59



White Onefit  
1-Fit | \$21.99  
Club Price \$17.59



Head Case  
\$24.99  
Club Price \$19.99

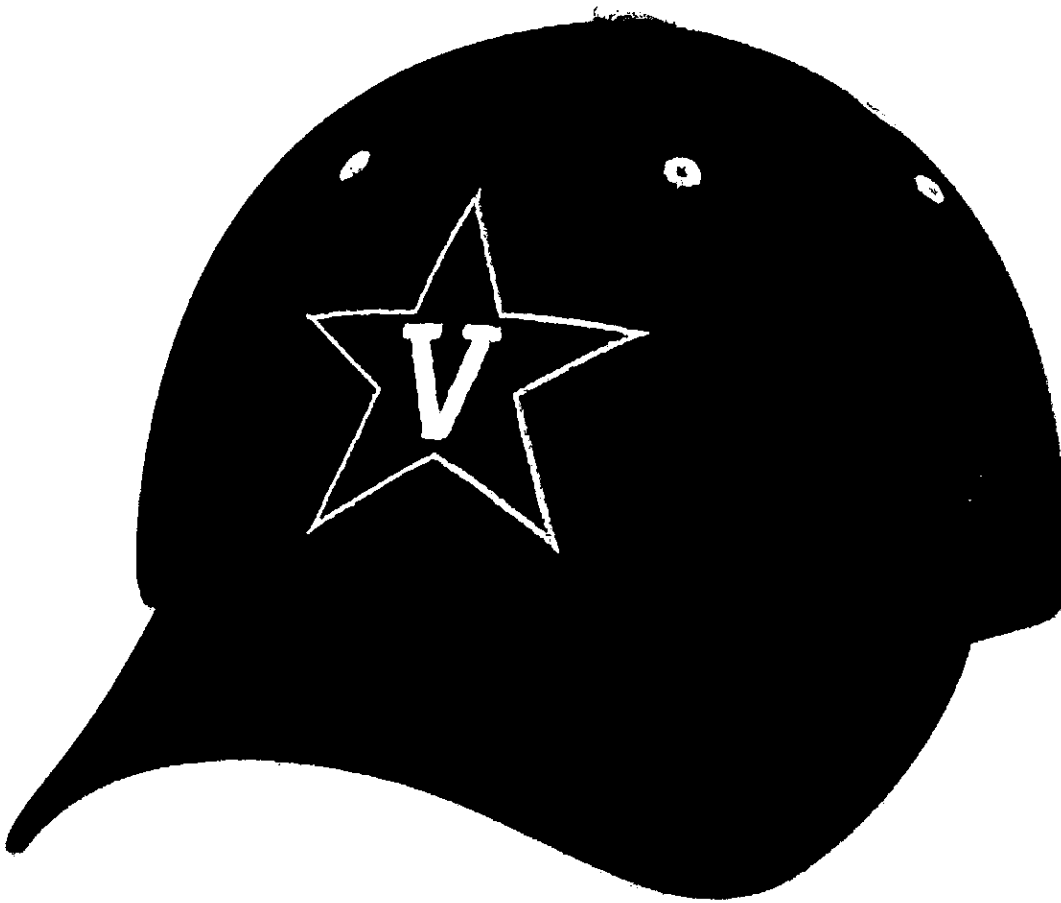


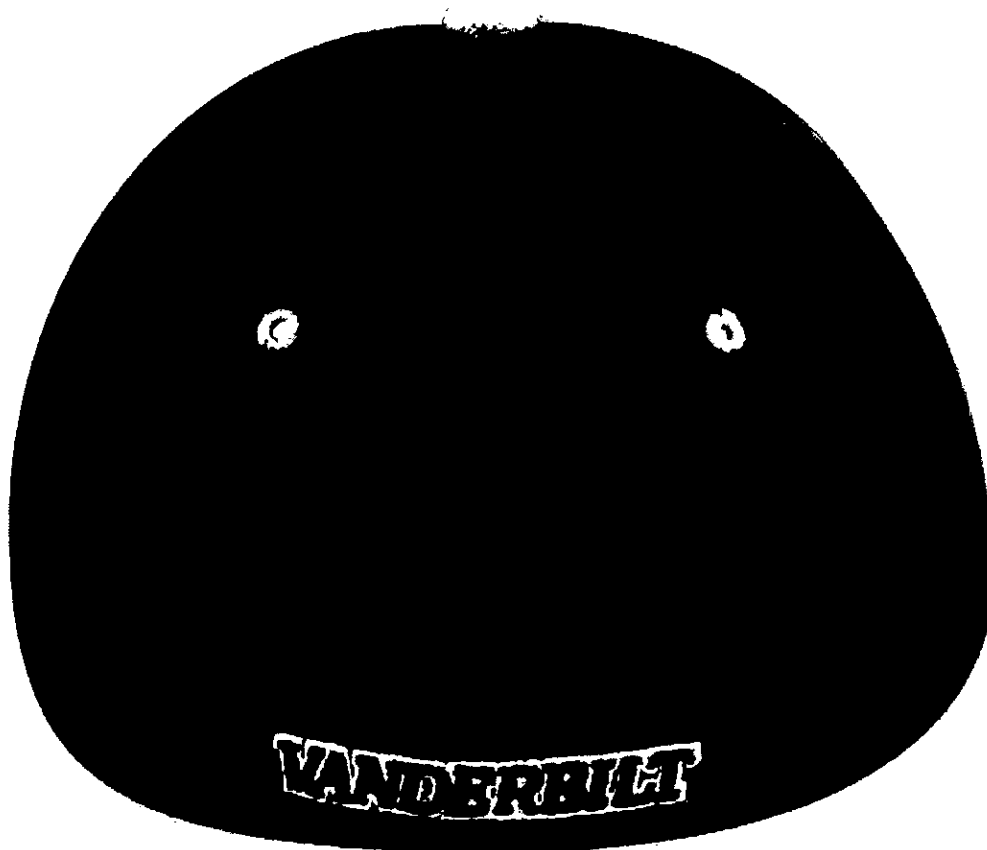
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OPPOSER'S EXHIBIT 304



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Product Search Keyword or style #   
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#### SHOP BY

##### ► HOT STYLES

##### ► MLB

##### ► NFL

##### ► NBA

##### ► NCAA

##### SHOP BY TEAM

##### APPAREL

##### WOMENS

##### GREEK LIFE

##### 2 FOR \$20

##### NATIONAL CHAMPIONS

##### ► NHL

##### ► RACING

##### ► BRANDS

##### ► POP CULTURE

##### ► HELMETS

##### ► APPAREL

##### ► WOMEN

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##### ► ACCESSORIES

##### ► CLEARANCE SALE

#### YOUR TEAM

##### MLB

##### NFL

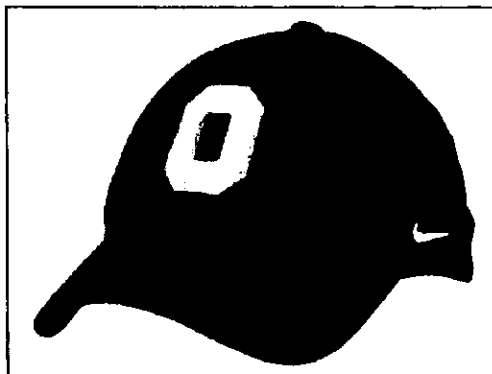
##### NBA

##### NCAA

##### NHL

##### RACING

Home : NCAA : Ohio State Buckeyes : Style 20046920



#### Ohio State Buckeyes

#### Nike Team Sports "Paddy"

Price: \$22.99 Club Price: \$18.39

Style: 20046920

Quantity 1

M/L

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images



Online Guide to Finding the Right Hat Size

#### Product Details

Color: Green  
Fabric: Cotton

Structure: Original Stretch-fit  
Closure: Swooshflex

This St. Patrick's Day hat features a team logo on the front and a holiday logo on the back. Made of 100% Cotton.

View all Nike Team Sports Paddy

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

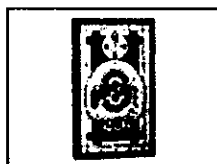
Opposer's

Ex. No. 34, Pg. No. 1



Create Your Own Hat

#### Other Items



College Wall Clocks  
\$40.00  
Club Price \$36.00



Paddy Swooshflex | \$22.99  
Club Price \$18.39



MLB Franchise Fitted | \$24.99  
Club Price \$19.99



Cap Radio II  
\$14.99  
Club Price \$13.49



LIDS Gift Card

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**OPPOSER'S EXHIBIT 305**

Opposer's

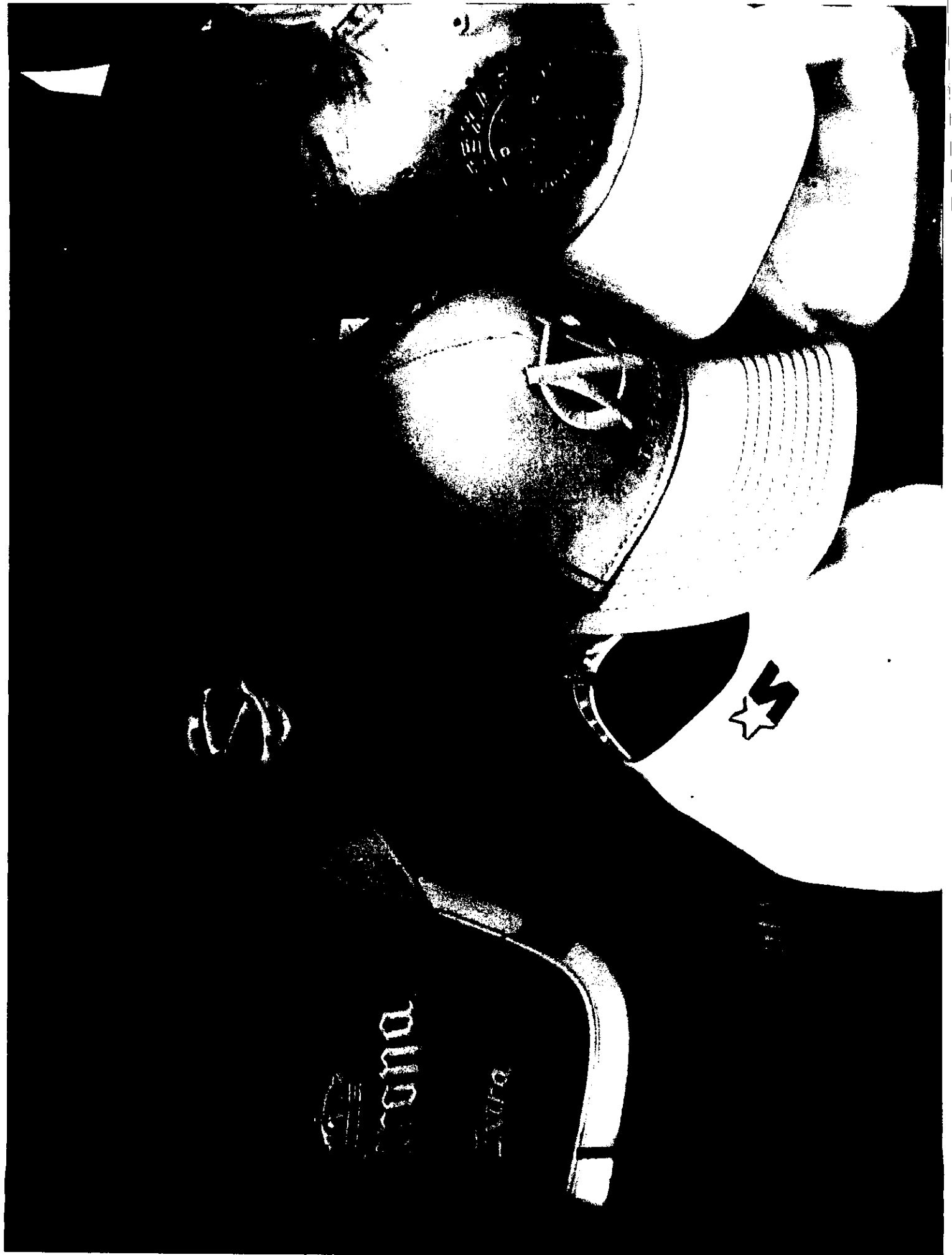
Ex. No. 35, Pg. No.    

Opposition No. 91125615  
Univ. Southern California v.  
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WAL-MART







**OPPOSER'S EXHIBIT 306**

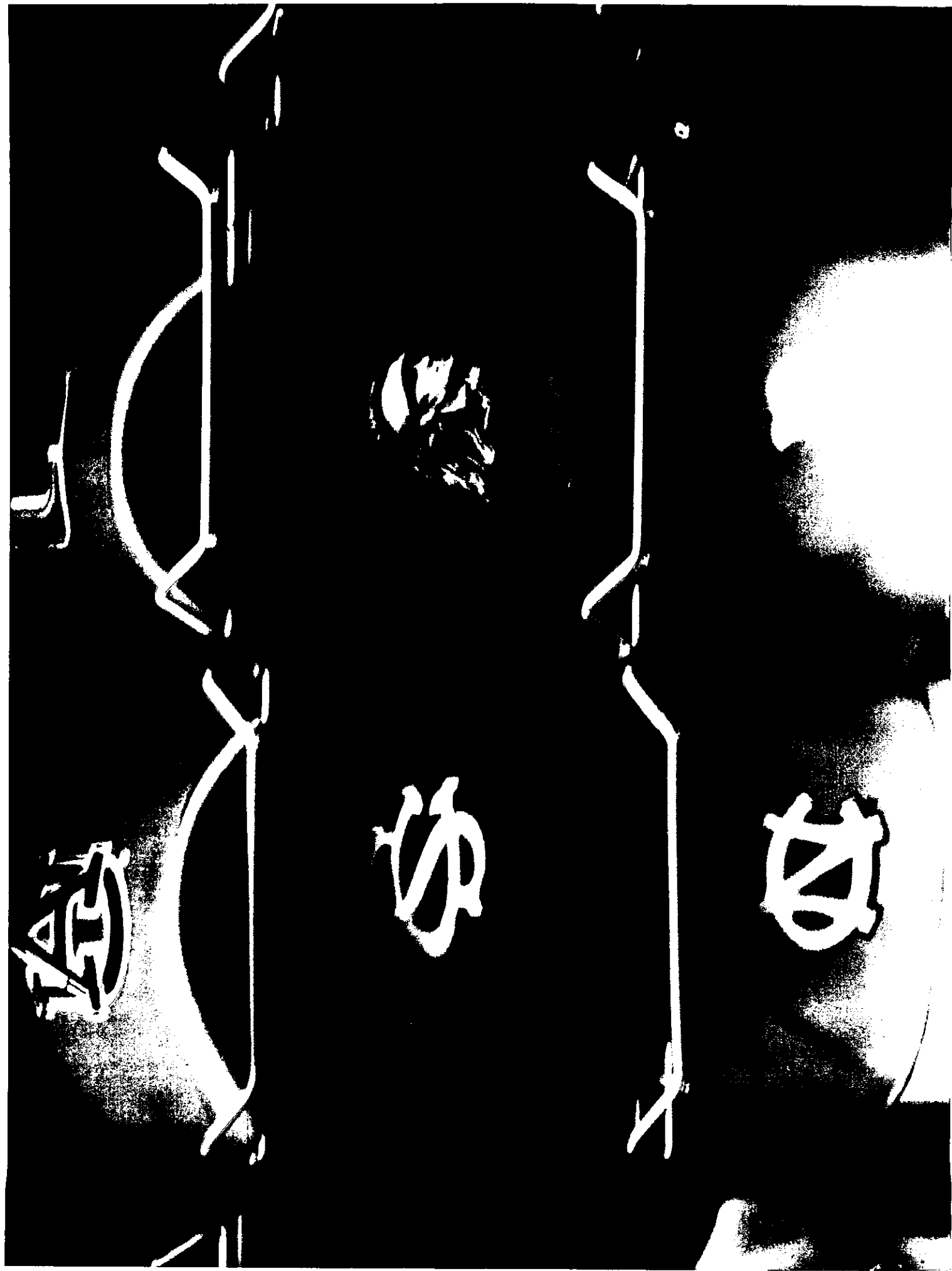
Opposer's

Ex. No. 366, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

Lids

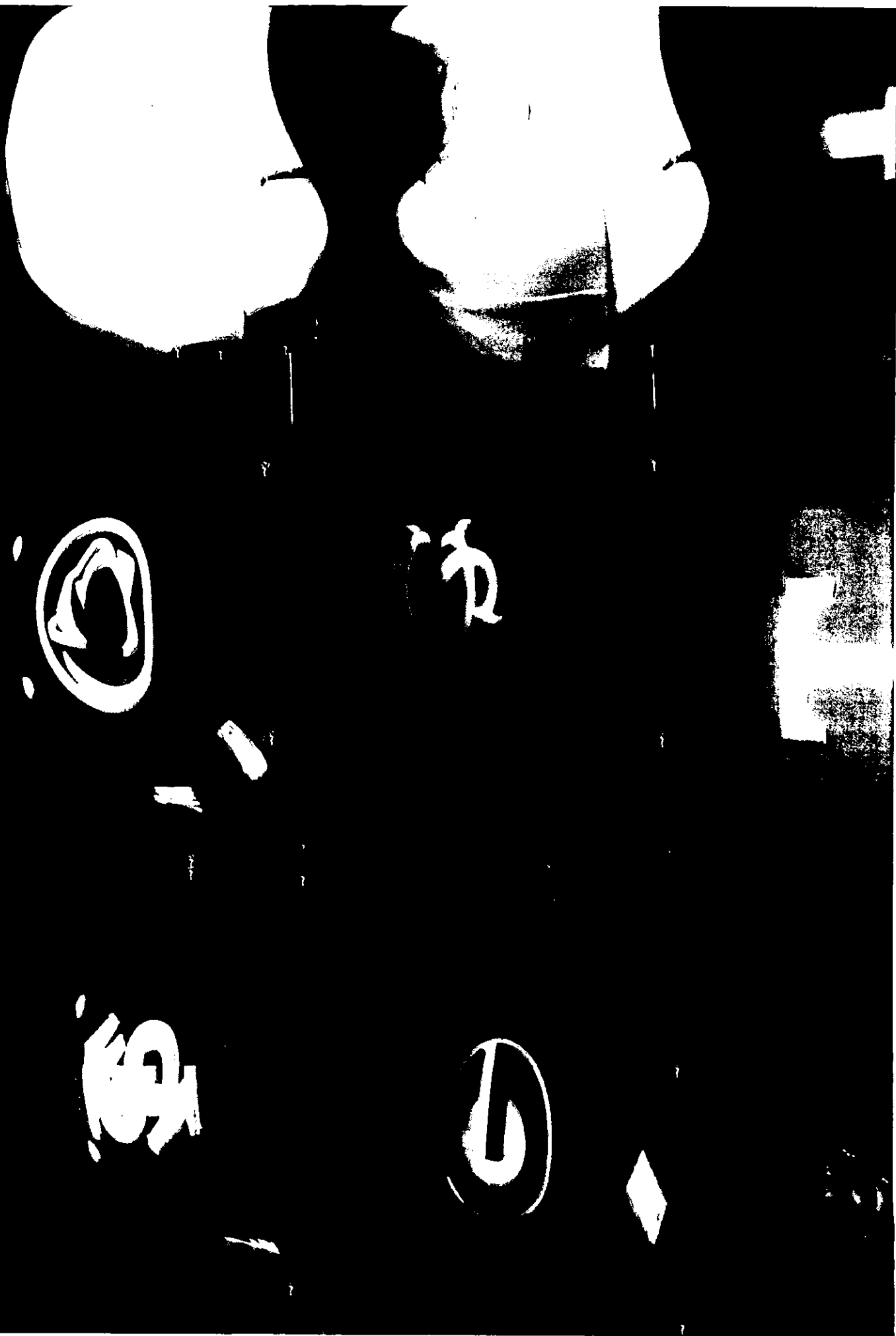




**OPPOSER'S EXHIBIT 307**

Opposer's  
Ex. No. 82, Pg. No.    .

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



**OPPOSER'S EXHIBIT** 308

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**OPPOSER'S EXHIBIT 309**

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Entire Exhibit No. 309

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**OPPOSER'S EXHIBIT 310**

Opposer's  
Ex. No. 312, Pg. No. \_\_\_\_:  
Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina

**Int. Cls.: 25 and 41**

**Prior U.S. Cls.: 22, 39, 100, 101 and 107**

**Reg. No. 2,319,336**

**United States Patent and Trademark Office**

**Registered Feb. 15, 2000**

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SERVICE MARK  
PRINCIPAL REGISTER**

**JMU**

JAMES MADISON UNIVERSITY FOUNDATION, INC. (VIRGINIA CORPORATION)  
61-B COURT SQUARE, MSC 8501  
HARRISONBURG, VA 22807

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, SWEAT SUITS, SWEAT SHIRTS, SWEAT PANTS, PANTS, SHORTS, HATS, CAPS, COATS, JACKETS, UNDERWEAR, BOXER SHORTS, AND SWEATERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-22-1977; IN COMMERCE 3-22-1977.

FOR: EDUCATION AND ENTERTAINMENT SERVICES, NAMELY, PROVIDING COURSE

OF INSTRUCTION AT THE UNIVERSITY LEVEL; EDUCATIONAL RESEARCH; ARRANGING AND CONDUCTING ATHLETIC EVENTS AND TOURNAMENTS, EXHIBITIONS, CONFERENCES, LIVE PERFORMANCES AND FESTIVALS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-22-1977; IN COMMERCE 3-22-1977.

SER. NO. 75-647,290, FILED 2-24-1999.

CAROLYN GRAY, EXAMINING ATTORNEY



## United States Patent and Trademark Office

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*Browser to return to TESS)***Typed Drawing****Word Mark** JMU**Goods and Services** IC 025. US 022 039. G & S: clothing, namely, shirts, t-shirts, sweat suits, sweat shirts, sweat pants, pants, shorts, hats, caps, coats, jackets, underwear, boxer shorts, and sweaters. FIRST USE: 19770322. FIRST USE IN COMMERCE: 19770322

IC 041. US 100 101 107. G &amp; S: education and entertainment services, namely, providing course of instruction at the university level; educational research; arranging and conducting athletic events and tournaments, exhibitions, conferences, live performances and festivals. FIRST USE: 19770322. FIRST USE IN COMMERCE: 19770322

**Mark Drawing Code** (1) TYPED DRAWING**Design Search Code****Serial Number** 75647290**Filing Date** February 24, 1999**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** November 23, 1999**Registration Number** 2319336**Registration Date** February 15, 2000**Owner** (REGISTRANT) James Madison University Foundation, Inc. CORPORATION VIRGINIA 61-B Court Square, MSC 8501 Harrisonburg VIRGINIA 22807**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead Indicator** LIVE

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**OPPOSER'S EXHIBIT 311**



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## SHOP BY

## HOT STYLES

MLB

NFL

NBA

NCAA

## SHOP BY TEAM

APPAREL

WOMENS

GREEK LIFE

2 FOR \$20

NATIONAL CHAMPIONS

NHL

RACING

BRANDS

POP CULTURE

HELMETS

APPAREL

WOMEN

KIDS

ACCESSORIES

CLEARANCE SALE

## YOUR TEAM

MLB

NFL

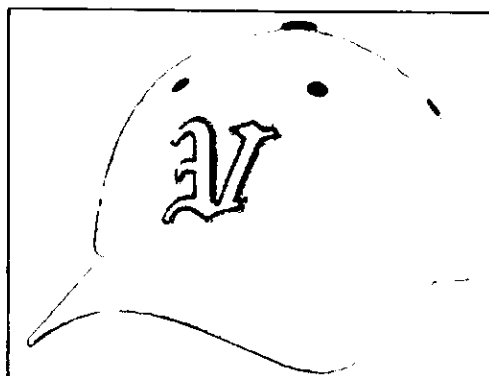
NBA

NCAA

NHL

RACING

Home : NCAA : Virginia Cavaliers : Style 20035236



## Virginia Cavaliers

Top of the World "NCAA Old English White"

Price: \$22.99 Club Price: \$18.39

Style: 20035236

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

View More Images

Online Guide to Finding the Right Hat Size

## Product Details

Color: White  
Fabric: Wool

Structure: Original Stretch-fit  
Closure: Stretch-Fit

This 97% acrylic, 3% spandex Stretch-Fit features 3D embroidery on the front in an Old English font and additional embroidered logo on the back.

View all Top of the World NCAA Old English White

## Product Promotions

## Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

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## Free Shipping

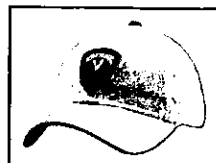
- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

## Other Items



Chancellor  
Adjustable | \$17.99  
Club Price \$14.39



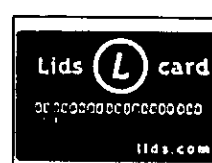
NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



Team Colored Sheen  
Stretch-Fit | \$22.99  
Club Price \$18.39



Solution Cleaner  
\$4.99  
Club Price \$4.49



LIDS Gift Card



Create Your Own Hat

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**OPPOSER'S EXHIBIT** *312*



**Apparel and Non-  
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Marketing**

**Retail Marketing**

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Licensing**

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and Post-Season  
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Home > About CLC > CLC Services > Brand Development > Apparel and Non-Apparel Marketing

## Apparel and Non-Apparel Marketing

At the core of CLC's marketing services are the Apparel and Non-Apparel Marketing Divisions. The staff in these two divisions is ultimately charged with managing the macro-level business development opportunities for all clients. As such, the Apparel and Non-Apparel Marketing staff is also charged with overseeing the licensing administration process for



The goal of CLC's Apparel and Non-Apparel Marketing Divisions is to increase overall collegiate merchandise sales generally, and each client's individual sales, specifically. Every institution has a defined level of market opportunity. For some it is on campus, for others it may be the local community. Some institutions have enough strength to sustain regional or national sales. A partnership with CLC gives each client the best possible opportunity to maximize market potential.

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**OPPOSER'S EXHIBIT 3/3**



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► CLEARANCE SALE

#### YOUR TEAM

MLB

NFL

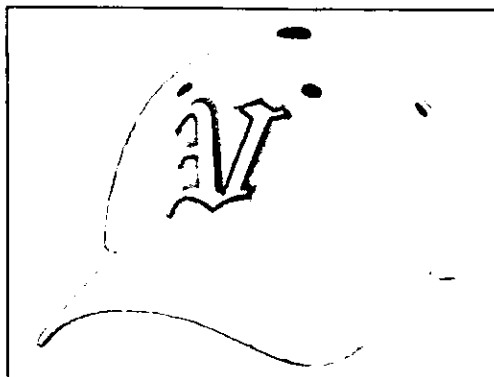
NBA

NCAA

NHL

RACING

Home : NCAA : Vermont Catamounts : Style 20035235



#### Vermont Catamounts

Top of the World "NCAA Old English White"

Price: \$22.99 Club Price: \$18.39

Style: 20035235

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)

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Online Guide to Finding the Right Hat Size

#### Product Details

Color: White

Fabric: Wool

Structure: Original Stretch-fit

Closure: Stretch-Fit

This 97% acrylic, 3% spandex Stretch-Fit features 3D embroidery on the front in an Old English font and additional embroidered logo on the back.

View all Top of the World NCAA Old English White

#### Product Promotions

##### Buy One Get One Half Off

Get 50% off this product when you purchase any other item of equal or greater value. This Half Off promotion will not last long. Save today!

\*Passport/HeadFirst members do not receive an additional 20% off on hats purchased in conjunction with this promotion.

##### Free Shipping

- Spend \$50 or more on lids.com and ground shipping is free!
- You can purchase your hats on lids.com and have them shipped to a LIDS or HATWORLD store for FREE! That's right, ship your hats for free and your new hats will arrive in the store in 10 to 14 business days.

\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

Opposer's  
Ex. No. 313, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



Create Your Own Hat

#### Other Items



NCAA Highlight TC  
Stretch-Fit | \$22.99  
Club Price \$18.39



NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



Suture  
Stretch-Fit | \$22.99  
Club Price \$18.39



Expansion Kit  
\$6.99  
Club Price \$6.29



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OPPOSER'S EXHIBIT 314



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## SHOP BY

## HOT STYLES

MLB

NFL

NBA

NCAA

## SHOP BY TEAM

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RACING

BRANDS

POP CULTURE

HELMETS

APPAREL

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## YOUR TEAM

MLB

NFL

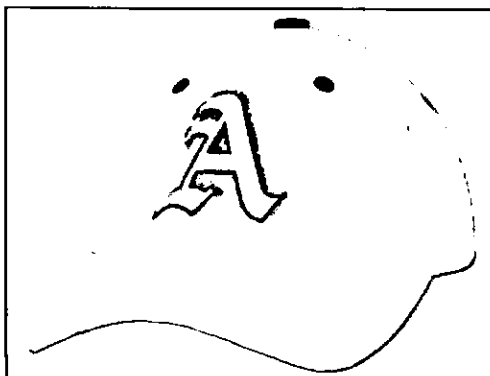
NBA

NCAA

NHL

RACING

Home : NCAA : Arizona Wildcats : Style 20035148



## Arizona Wildcats

Top of the World "NCAA Old English White"

Price: \$22.99 Club Price: \$18.39

Style: 20035148

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



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Online Guide to Finding the Right Hat Size

## Product Details

Color: White  
Fabric: Wool

Structure: Original Stretch-fit  
Closure: Stretch-Fit

This 97% acrylic, 3% spandex Stretch-Fit features 3D embroidery on the front in an Old English font and additional embroidered logo on the back.

View all Top of the World NCAA Old English White

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Opposer's

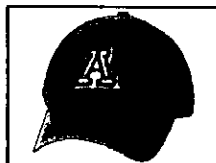
Ex. No. 34, Pg. No.     

Opposition No. 91125615  
Univ. Southern California v.  
Univ. South Carolina



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## Other Items



NCAA Easy Fitted  
Fitted | \$24.99  
Club Price \$19.99



NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



Practice Short  
Sleeve Tee  
\$18.00  
Club Price \$14.40



Cap Brush  
\$3.99  
Club Price \$3.59



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NATIONAL CHAMPIONS

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## YOUR TEAM

MLB

NFL

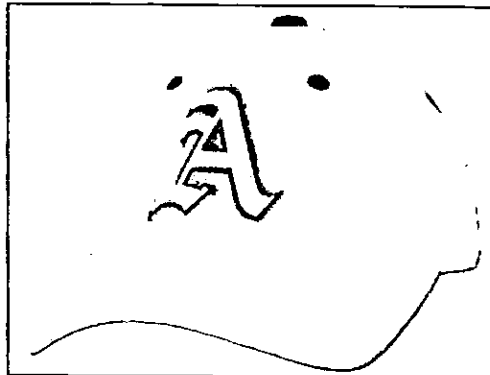
NBA

NCAA

NHL

RACING

Home : NCAA : Arkansas Razorbacks : Style 20035149



## Arkansas Razorbacks

## Top of the World "NCAA Old English White"

Price: \$22.99 Club Price: \$18.39

Style: 20035149

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



View More Images

Online Guide to Finding the Right Hat Size

## Product Details

Color: White  
Fabric: Wool

Structure: Original Stretch-fit  
Closure: Stretch-Fit

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View all Top of the World NCAA Old English White

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\*Excludes Gift Card purchases

\*Excludes items marked as 'Special Order'

\*Excludes items purchased at LIDS CREATE YOUR OWN

## Other Items



Overcast  
Stretch-Fit | \$22.99  
Club Price \$18.39



NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



Guru  
Stretch-Fit | \$22.99  
Club Price \$18.39



Head Case  
\$24.99  
Club Price \$19.99



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## YOUR TEAM

MLB

NFL

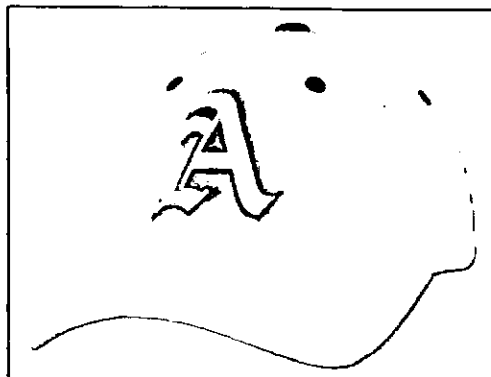
NBA

NCAA

NHL

RACING

Home : NCAA : Alabama Crimson Tide : Style 20035146



## Alabama Crimson Tide

## Top of the World "NCAA Old English White"

Price: \$22.99 Club Price: \$18.39

Style: 20035146

Quantity 1

Size

Buy One Get One Half Off  
Free Shipping Details  
Not sure? Buy a Gift Card

Add to Cart

In Stock - leaves within 1-2 business days (Details)



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Online Guide to Finding the Right Hat Size

## Product Details

Color: White

Fabric: Wool

Structure: Original Stretch-fit

Closure: Stretch-Fit

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View all Top of the World NCAA Old English White

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\*Excludes Gift Card purchases

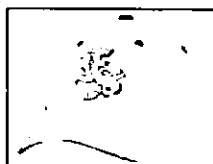
\*Excludes items marked as 'Special Order'

\*Excludes Items purchased at LIDS CREATE YOUR OWN

## Other Items



DHS Z-Fit  
Z-Fit | \$21.99  
Club Price \$17.59



NCAA Old English  
White  
Stretch-Fit | \$22.99  
Club Price \$18.39



DHS Z-Fit  
Z-Fit | \$21.99  
Club Price \$17.59



Solution Cleaner  
\$4.99  
Club Price \$4.49



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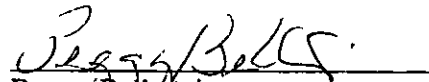
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I hereby certify that a true and correct copy of the foregoing NOTICE OF FILING THE CERTIFIED TRANSCRIPT OF THE TESTIMONY DEPOSITION OF C. "KIT" WALSH AND ACCOMPANYING EXHIBITS [VERSION WITH CONFIDENTIAL PORTIONS REDACTED] is being placed in the United States mail, first class, postage prepaid, on August 29, 2006, addressed to the following:

Michael S. Adler, Esquire  
Gibson, Dunn, & Crutcher, LLP  
2029 Century Park East, Suite 4000  
Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

  
Peggy Belbusti  
Administrative Assistant

August 29, 2006